

MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND FOR OTHER PURPOSES

OCTOBER 30, 2001.—Ordered to be printed

Mr. CALLAHAN, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2311]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) “making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

maining 25 percent of such costs shall be provided by the Sacramento Area Flood Control Agency.

“(iii) *LIMITATION*.—To the extent that any funds in excess of the non-Federal share are provided by the Sacramento Area Flood Control Agency, the Secretary shall reimburse such non-Federal interests for such excess funds. Costs for replacement water may not exceed 125 percent of the current average market price for raw water, as determined by the Secretary of the Interior.”.

(b) *CONFORMING CHANGE*.—Section 101(a)(1)(D)(ii) of the Water Resources Development Act of 1996, Public Law 104–303, is amended by striking “during” and all that follows through “thereafter”.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$666,726,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$236,372,000, to remain available until expended: Provided, That funding for the West Valley Demonstration Project shall be reduced in subsequent fiscal years to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary: (1) provides written notification to the Committees on Appropriations of the House of Representatives and the Senate that agreement has been reached with the State of New York on the final scope of Federal activities at the West Valley site and on the respective Federal and State cost shares for those activities; (2) submits a written copy of that agreement to the Committees on Appropriations of the House of Representatives and the Senate; and (3) provides a written certification that the Federal actions proposed in the agreement will be in full compliance with all relevant Federal statutes and are in the best interest of the Federal government.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$418,425,000, of which \$299,641,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, \$3,233,100,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$95,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That \$6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, including but not limited to, any proceeds from

the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$210,853,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$73,043,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$32,430,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 11 passenger motor vehicles for replacement only, \$5,429,238,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C.

7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$803,586,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$312,596,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 30 passenger motor vehicles, of which 27 shall be for replacement only, \$5,234,576,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, \$1,092,878,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$153,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition

or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$544,044,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2002, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$5,200,000 in reimbursements, to remain available until expended: Provided, That up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$171,938,000, to remain available until expended, of which \$166,651,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, \$6,000,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to \$152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydro-electric facilities at the Falcon and Amistad Dams, \$2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$184,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$184,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than \$0: Provided further, That the Commission is authorized an additional 5 senior executive service positions.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and

operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in

the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaging residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

- (1) the Kansas City Plant, Kansas City, Missouri;
- (2) the Y-12 Plant, Oak Ridge, Tennessee;
- (3) the Pantex Plant, Amarillo, Texas; and
- (4) the Savannah River Plant, South Carolina.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105-204 is amended in subsection (b)—

- (1) by inserting "except as provided in subsection (c)," after "1321-349,"; and
- (2) by striking "fiscal year 2002" and inserting "fiscal year 2005".

SEC. 312. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK. No Federal permit or

lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, \$10,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$38,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, \$23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$473,520,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year

2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$43,380,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce any part of 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except those parts which establish training and experience requirements for persons seeking licensing as authorized users, until such time as the Commission has reexamined 10 C.F.R. Part 35 and provided a report to the Congress which explains why the burden imposed by 10 C.F.R. Part 35 could not be further reduced.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$6,180,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,933,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than \$247,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,100,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. *None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.*

SEC. 502. (a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—*It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

(b) **NOTICE REQUIREMENT.**—*In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.*

(c) **PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—*If it has been finally determined by a court or Federal agency that any person intentionally*

affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. The Secretary of the Army shall conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided, That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2002".

And the Senate agree to the same.

SONNY CALLAHAN,
HAROLD ROGERS,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ROGER F. WICKER,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
BILL YOUNG,
PETER J. VISCLOSKY,
ED PASTOR,
JAMES E. CLYBURN,
LUCILLE ROYBAL-ALLARD,

Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TOM HARKIN,
DANIEL K. INOUE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 107–112 and Senate Report 107–39 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the statement of the managers, and Senate report language which is not contradicted by the report of the House or the statement of the managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

INTRODUCTION

RESPONSE TO TERRORISM

The conferees commend the personnel of the agencies funded in this bill for their dedication and professionalism in their response to the heinous and cowardly terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

The Army Corps of Engineers had a very prominent role in crisis response, engineering assessment, and recovery at the attack sites. The conferees believe that this disaster has again shown the wisdom of the current structure and alignment of the Corps of Engineers within the Department of Defense. The conferees continue to expect the Congress to be fully consulted before any proposed changes affecting the Corps or the unique role of the Chief of Engineers are implemented.

The Department of Energy redoubled efforts to maximize and ensure absolute security of our Nation's nuclear weapons, nuclear materials, and critical scientific and weapons infrastructure. In a quiet, unheralded manner the professionals throughout the country at the Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation have spent much time and personal effort to ensure the safety of many of the Nation's critical water resources. The Nuclear Regulatory Commission remains vigilant about security at the nation's commercial nuclear power reactors. The conferees note that both Federal and contractor employees have made significant contributions at sometimes great personal sacrifice on behalf of our Nation, and we are grateful for their efforts.

The conferees are aware that a number of requirements have surfaced since the terrorist attacks to address the cost of improved security at facilities funded in this bill. These requirements are evolving and are expected to be addressed within the \$40 billion emergency supplemental appropriation that the Congress provided immediately following the terrorist attack. If additional requirements are identified during the year, the conferees expect each agency to follow normal reprogramming procedures to address those requirements. For the Corps of Engineers Operation and Maintenance, General, account, the Corps of Engineers shall submit to the House and Senate Committees for approval, any reprogramming of funds directly related to enhanced security at its projects. If all known enhanced security requirements cannot be fully met through fiscal year 2002 appropriations, the conferees direct that each agency in this bill budget for any such remaining costs in the fiscal year 2003 budget submission to Congress. The conferees direct the Secretaries of the Army, Energy, and Interior to each submit a report to the Appropriations Committees of Congress by February 15, 2002 which specifically identifies in detail all known physical security requirements that have surfaced since the terrorist attacks, and the degree to which each has been met through fiscal year 2002 appropriations and the fiscal year 2003 budget request.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates \$154,350,000 for General Investigations instead of \$163,260,000 as proposed by the House and \$152,402,000 as proposed by the Senate.

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

PROJECT MANAGEMENT

The conferees strongly support efforts of the Office of Engineering and Construction Management (OECM) to improve the Department's construction and project management. The Department has announced plans to merge the Office of the Chief Financial Officer (the current location of OECM) with the Office of Management and Administration to form a new Office of Management, Budget and Evaluation. The Committees on Appropriations have been assured that this change will broaden the duties, scope, responsibilities, and authorities of OECM. The conferees understand that the Department intends to enable OECM to more effectively bring needed culture changes to its project management community.

Congress supported creation of OECM as a final attempt to correct the Department's weaknesses in project management. The conferees expect OECM to be fully funded to support enhanced systems development and deployment, training, process improvements, and accountability. The conferees acknowledge that the expanded mission of this office encompasses project closure, facilities, and infrastructure management activities and urge the Secretary to give priority to retaining within the Department the technical skills needed for federal project and real property management. The conferees recommend that, at each site, the Secretary designate a management office to coordinate project and real property management improvements with this headquarters office.

The conferees also expect the National Research Council to continue to monitor the Department's efforts in project management.

FACILITIES AND INFRASTRUCTURE

The conferees have provided funding in several programs for facilities and infrastructure improvement projects to allow the Department to begin to correct its worst deferred maintenance deficiencies and eliminate excess facilities. The conferees make this initial investment in critical infrastructure so the Department can begin to institute life-cycle asset management improvement processes throughout its complex and expect that at least 25 percent of the funds provided will be spent to eliminate excess facilities.

The conferees direct each site (not slated for closure) to prepare a ten-year site plan prescribing space utilization activities that stabilize, then reduce its baseline for maintenance costs by: (1) consolidating operations where practicable; (2) eliminating excess buildings; (3) employing cost efficiencies; and (4) addressing mission-critical requirements through an appropriate mix of renovations and new construction.

Beginning in fiscal year 2003, to ensure sustained improvement in project and real property management, the conferees direct the Department to present an integrated facilities and infrastructure budget request. This budget should identify program maintenance projects for buildings and facilities by site. To the extent that indirect funding supports maintenance, the budget should also report, by site, expenditures in the previous year and estimate the percentage to be applied in fiscal year 2003. The conferees expect the Department to retain up-to-date corporate-level management information on the condition of its buildings and facilities and annual expenditures on maintenance for its complex.

For new construction projects requested in fiscal year 2003, the conferees expect the budget to show the square footage of each new project, and request funding for elimination by transfer, sale, or demolition of excess buildings and facilities of equivalent size. This excess reduction to new construction formula does not apply to environmental management closure sites. The conferees expect the fiscal year 2003 budget to contain funds to eliminate excess facilities based on the greatest impact on long-term costs and risks. The Department should apply this requirement to each site. Only if deemed impracticable due to critical mission requirements, through a case-by-case waiver approved by the Secretary through the Chief Financial Officer, should the requirement be met through the reduction of excess facilities at another site. The Department will collect information from all sites on the square footage of excess property sold, transferred, or demolished each year and submit a report 45 days after the President's budget is presented to Congress.

The conferees expect the Chief Financial Officer to issue such directives as are necessary to ensure that: each site prepares a ten-year site plan; annual property reports reflect accurately the Department's entire real property inventory, including the current status of maintenance and disposition of excess property at each site; program budgets request funding for elimination of excess facilities by square footage proportional to new facilities requested; and project and real property offices in the field adhere to corporate guidelines for managing new projects, closeouts, and maintenance of all facilities.

DEPARTMENT OF ENERGY STAFFING

The conferees share the concerns raised by the House that the new National Nuclear Security Administration (NNSA) structure may have had the unintended consequence of unnecessarily increasing the Department's overall personnel costs, particularly at the headquarters, from a Department-wide perspective. The conferees further agree that the Secretary of Energy should submit a report to the Appropriations and Armed Services Committees of Congress concerning staffing increases arising from the creation of NNSA, as the House intended, as well as the "before and after" staffing levels of each office and activity affected by the reorganization. However, the report should also address the broader administrative support staffing concerns below and potential staffing reductions to NNSA or other DOE offices if administrative support functions could be staffed more efficiently. The Secretary shall submit the report by January 31, 2002.

With the new NNSA organization now in place, this affords a good opportunity for the Secretary of Energy and the Congress to take a fresh look at the management, effectiveness, and cost-effectiveness of the Department of Energy's administrative support functions at both the headquarters and field levels. Support functions include personnel, finance, contracting, facilities management, vehicle management, logistics, information management, public affairs, and congressional affairs.

The conferees note that other organizations in the Department of Energy, such as the Inspector General and Naval Reactors, independently perform some of their own administrative support functions such as congressional affairs. The Inspector General of the Department of Energy has interpreted its charter under the Inspector Generals Act, particularly in regards to its perceived need to conduct its own congressional affairs, differently than any of the military services which, for example, use "corporate" congressional affairs offices to interface between the Congress and all sub-elements of headquarters organizations including agency inspector generals.

Fragmentation of administrative support functions may also dilute the ability of the Secretary of Energy to manage the Department to meet Departmental strategic goals such as improved financial and contract management. To the extent that the Department invests in unnecessary administrative support costs in a fixed or limited growth budget environment, resources are diverted from higher-priority mission areas.

In submitting the plan on the staffing effects of the NNSA legislation and subsequent implementation, the conferees encourage the Secretary to focus on ensuring that the Department of Energy has the optimal administrative support structure to maximize mission effectiveness and minimize administrative support costs. As stated in the House report, the conferees encourage the Secretary to submit legislative proposals where appropriate to meet this objective.

ALTERNATIVE FINANCING APPROACHES

The Secretary of Energy is directed to conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department. This study is due to the House and Senate Committees on Appropriations by March 30, 2002.

EXTERNAL REGULATION

The Department is directed to prepare an implementation plan for the transition to external regulation at the Department's non-defense science laboratories. For the purpose of preparing this plan, the Department should assume that the Nuclear Regulatory Commission (NRC) would take over regulatory responsibility for nuclear safety at the Department's non-defense science laboratories, and the Occupational Safety and Health Administration (OSHA) would take over regulatory responsibility for worker safety at these laboratories. The conferees expect the Department to coordinate with NRC and OSHA, and to build upon the previous external regulation pilot programs, in developing this plan. For plan-

ning purposes, external regulation would apply to the five multi-program and five single-purpose laboratories under the Office of Science, and the Department should assume external regulation to become effective beginning in fiscal year 2004. The implementation plan for external regulation is not to address nuclear weapons facilities, environmental remediation sites, or other Department laboratories, facilities, and sites. The implementation plan should address all details necessary to implement external regulation, including an estimate of the additional resources needed by the NRC and OSHA, corresponding reductions in funding and staffing at the Department, specific facilities or classes of facilities for which external regulation cannot be implemented in a timely manner, necessary changes to existing management and operating contracts, and changes in statutory language necessary to effect the transition to external regulation. This plan is due to the House and Senate Committees on Appropriations by May 31, 2002. Note that this provision only requires the Department to produce an implementation plan for external regulation for a limited set of DOE facilities; the actual transition to external regulation for those facilities will require additional legislative direction.

REPROGRAMMING

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2002 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement does not include bill language proposed by either the House or the Senate regarding the Laboratory Directed Research and Development (LDRD) program. The conferees recognize the benefits of LDRD and expect LDRD activities to continue at previously authorized levels. However, when accepting funds from another federal agency that will be used for LDRD activities, the Department of Energy shall notify that agency in writing how much will be used for LDRD activities. In addition, the conferees direct the Secretary of Energy to include in the annual report to Congress on all LDRD activities an affirmation that all LDRD activities derived from funds of other agencies have been conducted in a manner that supports science and technology development that benefits the programs of the sponsoring agencies and is consistent with the Appropriations Acts that provided funds to those agencies.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language and support the reporting requirements for basic research for energy technologies, independent centers, augmenting Federal staff, budget justification requirements, sale of land, and reprogramming guidelines.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 15, 2002, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement provides \$666,726,000 for Energy Supply instead of \$639,317,000 as proposed by the House and \$736,139,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for certain purposes.

RENEWABLE ENERGY RESOURCES

The conference agreement provides \$396,000,000 instead of \$376,817,000 as proposed by the House and \$435,600,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports.

Biomass/biofuels.—The conference agreement includes \$93,000,000 for biomass/biofuels. The conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation.

The conference agreement includes \$2,500,000 to support a cost-shared Agricultural Waste Methane Power Generation Facility in California; \$2,000,000 to support a cost-shared agricultural mixed waste biorefinery in Alabama using the thermal depolymerization technology; \$1,500,000 to support the Black Belt Bioenergy Demonstration Project in Alabama; \$1,000,000 for micro-combustion research at Oak Ridge National Laboratory in collaboration with the technology's inventor; \$2,000,000 for the Biorenewable Resource Consortium; \$3,000,000 for the Iroquois Bio-Energy Cooperative project in Indiana; \$3,000,000 for the Gridley Rice Straw project in California; and \$1,000,000 for the switchgrass project of the Great Plains Institute for Sustainable Development in Minnesota.

The conference agreement includes \$4,000,000 for the Iowa switchgrass project; \$1,000,000 for the Consortium for Plant Biotechnology Research; \$3,000,000 for the McNeil biomass plant in Burlington, Vermont, and \$750,000 for the methane energy and agriculture development project in Tillamook Bay, Oregon. The conference agreement includes \$1,000,000 for the continuation and expansion of the ongoing demonstration of the oxygenated diesel fuel particulate matter emission reduction project in Clark County, Nevada, the cities of Riverside, Compton, Linwood, and Pasadena, California, and Ventura County, California; \$2,000,000 for the

Michigan Biotechnology Initiative; \$3,000,000 for the Prime LLC of South Dakota integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot; \$300,000 for the Biomass Energy Resource Center project in Vermont; \$2,000,000 to continue the Sealaska ethanol project (subject to a non-Federal match) at the fiscal year 2001 level; \$3,000,000 for the Biomass Gasification Research Center in Birmingham, Alabama; and \$3,000,000 for the Winona, Mississippi, biomass project, where the current investment in the plant shall count as the required demonstration project cost share. The conferees direct the Department to continue funding for the Energy and Environment Research Center at last year's level. The conferees encourage the Department to continue the integrated approach to bioenergy activities and recommend the use of up to \$18,000,000 within available funds for the Integrated Biomass Research and Development Program. The conferees urge the Department to form strong public-private-university partnerships in this program.

Geothermal.—The conference agreement includes \$29,000,000 for geothermal activities. The conference agreement includes sufficient funding to maintain university research on geothermal technologies at the fiscal year 2001 funding level of \$2,600,000. The conference agreement also includes \$2,000,000 in final funding for the Lake County Basin geothermal project in Lake County, California; \$2,000,000 for the Santa Rosa geysers project in California; \$2,500,000 for Geopowering the West; and \$1,000,000 for the UNR Geothermal Energy Center demonstration project.

Hydrogen.—The conference agreement includes \$31,000,000 for hydrogen activities. The conference agreement includes \$1,000,000 for the Fuel Cell Technology Assessment and Demonstration at the University of Alabama at Birmingham; \$350,000 for the Big Sky Economic Development Authority demonstration fuel cell technologies; \$500,000 for the gasification of Iowa switchgrass and its use in fuel cells; \$1,500,000 for the ITM Syngas project; \$1,500,000 for the fuel cell installation project at Gallatin County, Montana; and \$1,000,000 for continued demonstration of the hydrogen locomotive and front-end loader projects.

Hydropower.—The conference agreement includes \$5,300,000 for hydropower. The conference agreement includes \$400,000 to plan a hydroelectric power generation facility at Gustavus, Alaska, subject to a local match for construction; and \$1,900,000 for the completion of the Power Creek hydroelectric project in Alaska. No additional funds will be made available for this project.

Solar Energy.—The conference agreement includes \$95,000,000 for solar energy programs. The conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy. The conferees urge the Department to fund these subprograms in roughly the same proportions as they were funded in fiscal year 2001.

The conference agreement includes \$8,700,000 for basic research/university programs on photovoltaics; \$18,500,000 to continue the thin film partnership program; \$3,000,000 for continuation of the Million Solar Roofs program; \$2,000,000 for the South-

east and Southwest photovoltaic experiment stations; and \$3,000,000 for the Navajo electrification project. The Department is directed to continue with deployment of the 1.0 MW dish engine and to continue activities associated with the 25kW dish system. Additionally, the conferees direct the Department to develop and scope out an initiative to fulfill the goal of having 1,000 MW of new parabolic trough, power tower, and dish engine solar capacity supplying the southwestern United States by the year 2006. A report on this initiative is due to the House and Senate Committees on Appropriations by March 1, 2002.

The conference agreement includes \$4,000,000 for technical analysis, technical assistance, and the harmonization of multi-program activities that address the resource opportunities and electric power needs of the southwestern United States. The expertise of the National Renewable Energy Laboratory (NREL) is to be made available through a site office in Nevada. NREL will provide expertise through a virtual laboratory concept, serving as a portal for electronic communications, information sharing, data warehousing, and partnerships among universities, researchers, technology developers, and those interested in deployment.

Wind.—The conference agreement includes \$41,000,000 for wind programs. The conferees have provided \$500,000 for the remote location pilot project at the Toledo Harbor Lighthouse; \$1,000,000 for the Washington Electric Cooperative wind energy generating facility in Vermont; \$500,000 for the Turtle Mountain Community College project in North Dakota; \$1,000,000 for the Kotzebue project in Alaska; \$250,000 for a wind generation facility to serve St. Paul and Unalaska, Alaska; and \$500,000 for the small wind program being developed by the Vermont Department of Public Service. The Wind Powering America initiative is to be continued at last year's funding level.

Electric energy systems and storage.—The conference agreement includes \$63,000,000 for electric energy systems and storage. The conferees have combined the subprograms for high temperature superconducting research and development, energy storage systems, and transmission reliability into a single program for electric energy systems and storage.

The conference agreement includes \$4,000,000 to initiate field testing of aluminum ceramic fiber composite conductors; \$1,000,000 for the fuel cell powered home using the Smart Energy Management Control System in Alabama; \$2,000,000 for the UADispatch Outage Management System in Alabama; \$3,000,000 for distributed generation demonstration projects in Indiana, focusing on the problems of interconnection, grid impact, and remote dispatch; \$1,000,000 to initiate development of a bipolar nickel metal hydride battery storage system; \$2,000,000 for Glenallen power generation upgrades, including extension of electricity to residents of Lake Louise; \$2,000,000 for the Kachemak Bay Power System to extend and upgrade marine power cabling to provide power to the villages of Seldovia, Nanwalek, and Port Graham, Alaska; \$3,000,000 for the Swan Lake-Lake Tyee electrical intertie pursuant to the Southeast Alaska intertie authorization enacted into law last year; and \$3,000,000 to complete the Prince of Wales Island electrical intertie. The conferees note that \$20,000,000 has been provided in

State and local funds and this Federal amount represents the final installment needed to complete the project. The conference agreement also includes \$3,000,000, within available funds, for NREL for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology. The conferees provide \$500,000 to support the joint effort between New Mexico Tech and the Natural Energy Laboratory of Hawaii to integrate, demonstrate, and deploy distributed energy systems.

The conference agreement also includes the budget request for the proposed work between industrial consortia and national laboratories to develop high-performance, low-cost, second-generation, high temperature super-conducting wire.

Renewable Support and Implementation.—The conference agreement includes \$14,500,000 for renewable support and implementation programs.

The conference agreement provides \$1,500,000 for departmental energy management.

The conference agreement includes \$3,000,000 for the international renewable energy program. Of this amount, \$1,000,000 is to be provided to International Utility Efficiency Partnerships, Inc., for continuation of joint implementation project development. The conferees expect the Department to work with the Department of Commerce, the U.S. Agency for International Development, and other relevant agencies, to complete, and begin implementation of, a five-year strategic plan to open and expand export markets for U.S. clean energy technologies. The conferees urge the Administration to include adequate funding for this initiative in its Fiscal Year 2003 budget submission.

The conference agreement includes \$4,000,000 for the renewable energy production incentive program.

The conference agreement includes \$3,000,000 for renewable Indian energy resources. The conferees expect these funds to be administered as competitively awarded grants to federally-recognized tribes throughout the United States.

The conference agreement includes \$3,000,000 for renewable program support, of which \$1,500,000 is to support the National Alliance for Clean Energy Incubators.

National Renewable Energy Laboratory.—The conference agreement includes \$5,000,000 for the National Renewable Energy Laboratory (NREL), the same as the budget request.

Program direction.—The conference agreement includes \$19,200,000 for program direction, the same as the budget request.

NUCLEAR ENERGY

The conference agreement provides \$250,456,000 for nuclear energy activities instead of \$224,130,000 as proposed by the House and \$264,069,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports. Within the funds available, the conferees include \$400,000 for the Secretary to contract with the nation's sole remaining uranium converter for the purpose of performing research and development to improve the en-

vironmental and economic performance of U.S. uranium conversion operations.

Advanced radioisotope power systems.—The conference agreement includes \$29,000,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions.

Isotope support.—The conference agreement includes a total program level of \$26,177,000 for the isotope program. This amount is reduced by offsetting collections of \$9,000,000 to be received in fiscal year 2002, resulting in a net appropriation of \$17,177,000. The conference agreement includes \$2,494,000 for the Isotope Production Facility at the Los Alamos National Laboratory.

The conferees encourage the Department to continue to explore the concept of extracting medically valuable isotopes from the excess uranium 233 stored in Building 3019 at the Oak Ridge National Laboratory, Tennessee. Within available funds, the Department is urged to proceed with a Request for Proposals (RFP) for this project after submission to the House and Senate Committees on Appropriations of a budget-quality project plan which presents all costs, including the estimated life-cycle costs for storage and disposal of the excess uranium 233, and is crafted in a manner that would not increase the total costs for decontamination and decommissioning of Building 3019. The Department is reminded to consider the end use of the U233-derived material for clinical trials when preparing the RFP and evaluating proposals for this project, and may require the contractor to be capable of meeting the Good Manufacturing Practice requirements of the Food and Drug Administration with respect to the production of actinium 225.

University reactor fuel assistance and support.—The conference agreement includes \$17,500,000, \$5,526,000 more than the budget request. The conferees direct the Department to use the additional resources to begin implementing the recommendations contained in the April 2001 Final Report of the University Research Reactor Task Force of the Nuclear Energy Research Advisory Committee (NERAC), specifically, to establish geographically distributed regional university research reactor user facilities and geographically distributed training and education reactor facilities. The Department is expected to use a peer-reviewed process in selecting which facilities will receive Department support, and to involve fully the nuclear engineering and nuclear medicine communities in this process. The Department is directed to report to the House and Senate Committees on Appropriations by May 31, 2002, on its plan to implement the NERAC Task Force recommendations. The program should also include substantial financial support from the nuclear industry.

Research and development.—The conference agreement provides \$51,000,000 for nuclear energy research and development activities.

The conference agreement includes \$7,000,000, \$2,500,000 more than the budget request, for nuclear energy plant optimization. The conferees direct the Department to ensure that projects are funded jointly with non-Federal partners and that the total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

The conferees have provided \$32,000,000 for the Nuclear Energy Research Initiative (NERI).

The conference agreement includes a total of \$12,000,000 for nuclear energy technologies, an increase of \$7,500,000 over the budget request. The conference agreement includes \$4,000,000 for completion of the Generation IV Technology Roadmap; and \$3,000,000 for advanced reactor development consistent with the longer term recommendations of the Generation IV Technology Roadmap and to continue research begun in the current fiscal year on small, modular nuclear reactors. The conferees encourage the Department to implement the recommendations of the Nuclear Energy Research Advisory Committee's Near-Term Deployment Group to support industry applications to the Nuclear Regulatory Commission (NRC) for Early Site Permits, Combined Operating Licenses, and Design Certifications. The conference agreement provides \$3,000,000 to share with industry the cost of these new NRC licensing processes. The conference agreement also provides \$2,000,000 for fuel testing, code verification and validation, and materials testing at national laboratories in support of license applications for new reactor designs.

Infrastructure.—The conference agreement provides a total of \$82,529,000. The conference agreement provides \$35,357,000 for ANL-West Operations, which includes \$2,000,000 for the advanced test reactor research and development upgrade initiative. The conference agreement also provides \$8,733,000 for Test Reactor Area landlord activities. Funds provided by the Senate to initiate conceptual design for a remote-handled transuranic waste facility at ANL-West have been transferred to the environmental management program.

The conference agreement provides the budget request of \$38,439,000 for the Fast Flux Test Facility (FFTF). No funds may be obligated for any purpose other than deactivation at FFTF until 90 days after receipt of the Secretary's recommendations for alternative actions at FFTF and the approval of those recommended alternative actions by the House and Senate Committee on Appropriations.

Nuclear facilities management.—The conference agreement provides \$30,250,000 as proposed by the House. This amount includes \$4,200,000 for the EBR-II shutdown, \$16,200,000 for the disposition of spent nuclear fuel and legacy materials, and \$9,850,000 for disposition technology activities.

Program direction.—The conference agreement includes \$23,000,000 for program direction, a reduction of \$2,062,000 from the budget request.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes \$30,500,000 for non-defense environment, safety and health activities, which includes \$19,527,000 for program direction. When combined with \$117,688,000 provided for defense environment, safety and health activities, the conference agreement makes a total of \$148,188,000 available for environment, safety and health activities, a reduction of \$1,912,000 from the total budget request for these activities. This funding reduction does not reflect any reduction in the De-

partment's environment, safety, and health responsibilities, nor in the conferees' expectation that the Department will fulfill those responsibilities in a thorough and professional manner. However, the conferees do expect the Department to take steps to reduce its current headquarters staffing levels and reduce its reliance on support contractors to execute its responsibilities. The conference agreement includes \$600,000 to be transferred to the Occupational Safety and Health Administration for worker health and safety at those sites transferred to non-Federal entities and for the Department's non-nuclear facilities not covered under the Atomic Energy Act.

TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement provides \$7,770,000, including \$1,400,000 for the Technical Information Management program and \$6,370,000 for program direction.

FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of \$18,000,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides \$236,372,000 for Non-Defense Environmental Management instead of \$227,872,000 as proposed by the House and \$228,553,000 as proposed by the Senate.

The conference agreement includes \$43,000,000 for site closure and \$64,119,000 for site/project completion activities, the same as the budget request. The conferees encourage the Department to accelerate cleanup along the Columbia River in Hanford's 300 Area.

Post 2006 completion.—The conference agreement includes \$125,753,000 for Post 2006 completion activities, an increase of \$5,700,000 over the budget request. Additional funding of \$3,700,000 is provided to maintain the cleanup activities at the Energy Technology Engineering Center in California. The conference agreement includes \$2,000,000 for stabilization activities at the Atlas uranium mill tailings site in Utah as proposed by the House.

West Valley.—The conference agreement provides a total of \$90,000,000 for the West Valley Demonstration Site in New York. However, the conferees remain concerned about the lack of agreement between the Department and the State of New York regarding the scope of Federal cleanup activities at the site and the respective Federal and State cost shares for those activities. While the recent resumption of negotiations is encouraging, the lack of agreement remains, as the General Accounting Office noted, the most significant impediment to completing cleanup of this site.

The conference agreement provides \$90,000,000 for cleanup activities at the West Valley Demonstration Project in fiscal year 2002. Funding in subsequent fiscal years shall be reduced to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary provides written notification to the House and Senate Committees on Appropriations that an agreement has been reached with the State of New York defining the final scope of Federal cleanup activities at the West Valley site and the respective Federal and

State cost shares for those cleanup activities; submits that proposed agreement to the House and Senate Committees on Appropriations; and provides a written certification that the Federal activities proposed in that agreement will be in full compliance with all relevant Federal statutes, including the West Valley Demonstration Project Act of 1980 and the Nuclear Waste Policy Act of 1982, as amended, and are in the best interest of the Federal government. The Committees do not require the Secretary to submit a fully executed final agreement, but rather a draft agreement sufficiently complete to demonstrate that all principal issues in dispute have been resolved.

Excess facilities.—The conference agreement provides \$3,500,000, an increase of \$2,119,000 over the budget request, for excess facilities to begin actual decontamination and decommissioning of excess facilities owned by the environmental management program.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides \$418,425,000 for uranium activities instead of \$393,425,000 as proposed by the House and \$408,725,000 as proposed by the Senate.

Uranium Enrichment Decontamination and Decommissioning Fund.—The conference agreement includes \$299,641,000 for the uranium enrichment decontamination and decommissioning (D&D) fund. Additional funding of \$27,000,000 is provided for continued cleanup at Paducah, Kentucky, and \$30,000,000 is provided for continued cleanup at the East Tennessee Technology Park in Oak Ridge, Tennessee.

The conference agreement does not include funding recommended in this account by the Senate for uranium conversion activities. This issue is addressed in the Energy Supply appropriation account.

Other Uranium Activities.—The conference agreement provides \$123,784,000 for other uranium activities. The conferees have included the budget request of \$110,784,000 for operating expenses associated with the maintenance of facilities and inventories and pre-existing liabilities and consolidated the funding for these activities into one program.

The conference agreement provides the budget request of \$10,000,000 for Project 02-U-101, Depleted Uranium Hexafluoride Conversion Project, in Paducah, Kentucky, and Portsmouth, Ohio, and transfers this project from the uranium enrichment D&D program to other uranium activities.

The conference agreement also provides \$3,000,000 as proposed by the Senate to continue Project 96-U-201, DUF6 Cylinder Storage Yard, at Paducah, Kentucky.

Funding adjustment.—The conference agreement includes the use of \$5,000,000 of prior year unobligated and uncosted balances.

SCIENCE

The conference agreement provides \$3,233,100,000 instead of \$3,166,395,000 as proposed by the House and \$3,268,816,000 as proposed by the Senate. The conference agreement does not include

language specifying funding allocations as contained in the separate House and Senate reports. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific purposes.

High energy physics.—The conference agreement provides \$716,100,000 for high energy physics, the same as the budget request. The conferees encourage strong support for university research and for research on low temperature superconductors to support high energy physics requirements. General Purpose Equipment and General Plant Projects should be funded for Office of Science laboratories at fiscal year 2001 levels. Funds provided by the Senate for a demonstration of the mass of the neutrino at the Waste Isolation Pilot Plant have been transferred to the environmental management program.

Nuclear physics.—The conference agreement provides \$360,510,000 for nuclear physics, the same as the budget request. The conferees urge the Department to use these funds to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at the Brookhaven National Laboratory and the Thomas Jefferson National Accelerator Facility in Virginia.

Biological and environmental research.—The conference agreement includes \$527,405,000 for biological and environmental research. The conferees have included \$11,405,000 to complete the construction of the Laboratory for Comparative Functional Genomics at the Oak Ridge National Laboratory. The conference amount includes a total of \$18,000,000 for the low dose effects program; \$3,500,000 in additional funding for computer upgrades and capital equipment costs at the Environmental Molecular Science Laboratory; and includes funding to continue the free air carbon dioxide experiments at the fiscal year 2001 level.

The conference agreement includes \$2,600,000 for the positron emission tomography center at the University of South Alabama; \$4,000,000 for the Gulf Coast Cancer Center and Research Institute; \$2,000,000 for the University of Alabama at Birmingham center for nuclear magnetic resonance imaging; \$1,000,000 for University of South Alabama research, in cooperation with industry and the Cooperative Research Network of the National Rural Electric Cooperative Association, on a fuel cell powered home using the Smart Energy Management Control System; \$1,650,000 for the new library and regional resource learning center at Spring Hill College; \$100,000 for the South Alabama Medical Education Outreach Program; \$2,250,000 for the University of Florida Genetics Institute; \$2,700,000 for a new linear accelerator for the Baystate Medical Center; \$1,200,000 for the Cancer Institute of New Jersey; \$1,000,000 for the Institute for Molecular and Biomedical Science at the University of Arizona; \$1,000,000 for the Stanley Scott Cancer Center at Louisiana State University; \$1,000,000 for the Infotonics Center of Excellence in Rochester, New York; \$500,000 for the Joint Collaboration on Advanced Nanotechnology and Sensors with the University of New Orleans, Louisiana State University, and Louisiana Tech; \$500,000 for the Breast Cancer Program at the North Shore—Long Island Jewish Health System; \$500,000 for a functional magnetic resonance imaging machine at the University of Texas at Dallas and the University of Texas South-

western Medical Center's Center for Brain, Cognition, and Behavior; \$500,000 for the Integrated Environmental Research and Services program at Alabama A&M University; and \$500,000 for the energy efficiency initiative at the Carolinas Health Care System.

The conference agreement includes \$3,000,000 for the Multidisciplinary Research Facility at the College of Engineering, University of Notre Dame; \$500,000 for a linear accelerator for the Burbank Regional Cancer Center in Fitchburg, Massachusetts; \$500,000 for Hampshire College's National Center for Science Education; \$1,000,000 for the Audubon Biomedical Science and Technology Park at Columbia University; \$1,000,000 for the McFadden Science Center at Texas Wesleyan University; \$1,000,000 for the emergency power supply system at Cedars-Sinai Medical Center; \$1,000,000 for the Rush-Presbyterian-St. Luke's Medical Center; \$1,000,000 for a nanoscience facility at Purdue University; \$1,000,000 for the Julie and Ben Rogers Cancer Institute; \$1,000,000 for the School of Public Health at the University of South Carolina; \$1,000,000 for the continued development of the Life Sciences Building at Brown University; \$1,000,000 for environmental modeling at the University of North Carolina at Chapel Hill; \$1,000,000 to support renovation of the Science, Technology, and Engineering Research Complex at Jackson State University; and \$1,000,000 for the PowerGrid simulator at Drexel University and the New Jersey Institute of Technology.

The conference agreement includes \$7,000,000 for the positron emission tomography facility at West Virginia University; \$2,000,000 for a linear accelerator for the University Medical Center of Southern Nevada; \$250,000 for the research foundation of the University of Nevada-Las Vegas; \$200,000 for the University of Nevada-Las Vegas to continue study of the biological effects of exposure to low-level radioactivity; \$500,000 for a biomolecular nuclear magnetic resonance instrument at the Medical University of South Carolina; \$1,000,000 for the Oncology Center of the Medical University of South Carolina; \$3,000,000 for the National Center of Excellence in Photonics and Microsystems in New York; \$500,000 for the Institute of Comparative Genomics at the American Museum of Natural History; \$750,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University; \$500,000 for the Hall of Paleontology at the Field Museum; \$500,000 for the Center for Catalysis at Iowa State University; \$1,000,000 for the Human Genome Project at the University of Southern California; \$500,000 for biomedical research at Creighton University; \$500,000 for the Child Health Institute of New Brunswick, New Jersey; \$500,000 for the Oregon Renewable Energy Center; \$1,000,000 for superconductor research at Boston College; \$500,000 for the Natural Energy Laboratory in Hawaii; and \$800,000 for the Rochester Institute of Technology microelectronics technology program.

The conference agreement includes \$11,000,000 for operations and capital investment at the Mental Illness and Neuroscience Discovery Institute; and \$2,000,000 for the University of Missouri-Columbia to expand the federal investment in the university's nuclear medicine and cancer research capital program.

Basic energy sciences.—The conference agreement includes \$1,003,705,000 for basic energy sciences. The conference agreement

includes the full amount of the budget request for the Spallation Neutron Source and the SPEAR 3 upgrade at the Stanford Synchrotron Radiation Laboratory. The conferees have included \$3,000,000 to initiate project engineering and design (PED) for three user facilities for nanoscale science research (Project 02-SC-002), and the budget request of \$7,685,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). For purposes of reprogramming in fiscal year 2002, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

Advanced scientific computing research.—The conference agreement includes \$158,050,000 for advanced scientific computing research (ASCR). The conferees support the use of available funds for the Scientific Discovery Through Advanced Computing (SciDAC) program and for terascale operating systems development. The conferees urge the Department to maximize the involvement of universities in the ASCR program, so that both the Department and the academic community can share in the latest technology developments in this field.

Energy research analyses.—The conference agreement includes \$1,000,000 for energy research analyses, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes \$30,175,000 for multi-program energy labs-facility support, the same as the budget request.

Fusion energy sciences.—The conference agreement includes \$248,495,000, as proposed by both the House and Senate, for fusion energy sciences.

Facilities and infrastructure.—The conference agreement includes \$10,000,000 for a new Facilities and Infrastructure program, as proposed by the House, to address infrastructure needs at the Department's science laboratories.

Safeguards and security.—The conference agreement includes \$55,412,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science.

Program Direction.—The conference agreement includes \$139,960,000 for program direction. This amount includes \$63,000,000 for field offices, \$72,500,000 for headquarters, and \$4,460,000 for science education. The control level for fiscal year 2002 is at the program account level of program direction.

Funding adjustments.—A general reduction of \$12,800,000 has been applied to this account, as well as the security charge for reimbursable work of \$4,912,000 included in the budget request.

NUCLEAR WASTE DISPOSAL

The conference agreement provides \$95,000,000 for Nuclear Waste Disposal, instead of \$133,000,000 as proposed by the House and \$25,000,000 as proposed by the Senate. When combined with the \$280,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of \$375,000,000 will be available for program activities in fiscal year 2002. The conference agreement includes not to exceed \$2,500,000 for the State of Nevada and \$6,000,000 for affected units of local government.

The conferees direct the Department to focus all available resources on completing a quality Site Recommendation report, and the accompanying final Environmental Impact Statement (EIS), in a timely manner. The final Site Recommendation and final EIS were due in July 2001, and the conferees expect that these will be delivered to Congress no later than February 28, 2002. The conferees acknowledge that certain scientific and engineering work is directly related to the Site Recommendation and to resolving the technical concerns of the NRC and the Nuclear Waste Technical Review Board, and that such work should not automatically terminate upon submission of the Site Recommendation. However, if the Site Recommendation is negative, the conferees expect the Department to terminate promptly all such activities and take the steps necessary to remediate the site.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$210,853,000 for Departmental Administration expenses instead of \$209,611,000 as proposed by the House and \$208,948,000 as proposed by the Senate. Funding adjustments include a transfer of \$22,000,000 from Other Defense Activities and the use of \$10,000,000 of prior year balances. Revenues of \$137,810,000 are estimated to be received in fiscal year 2002, resulting in a net appropriation of \$73,043,000.

The conference agreement does not include language proposed by the House allowing the Department to transfer funds previously appropriated for Year 2000 (Y2K) activities to this account. The Y2K funds expired on September 30, 2001.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Office of Management, Budget and Evaluation.—The conference agreement provides \$107,000,000 for the Office of Management, Budget and Evaluation. This is a new organization created by merging the Office of Management and Administration with the Office of the Chief Financial Officer (including the Office of Engineering and Construction Management). This reorganization is expected to improve program and project management by bringing together acquisitions, performance appraisals, and funding decisions.

The conferees expect the Department to increase the current staffing levels and fully fund the program activities of the Office of Engineering and Construction Management.

Corporate Management Information Program.—The conferees have provided a total of \$15,000,000 for the Department's Corporate Management Information Program in two accounts: \$5,000,000 in Departmental Administration and \$10,000,000 in Other Defense Activities. The Department had requested a total of \$20,000,000 in the Other Defense Activities account.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of \$1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount

during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of \$1,000,000 or 10 percent to an individual program account require prior notification and approval.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$32,430,000 for the Inspector General as proposed by the House instead of \$30,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages and operates the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

Nuclear posture review.—The conferees have provided a significant increase above the President's budget request and above the House bill in nuclear weapons activities, to include refurbishment of specific nuclear weapons as well as generic nuclear weapons-related process and infrastructure improvements. The basis for providing these additional funds is informal information provided by the NNSA at the Committees' request, rather than a formal budget request from the Administration. The information largely addresses on-going programs and generic process improvements, and does not identify the need to develop a specific new nuclear weapon in fiscal year 2002. The conferees agree that these investments are vital to ensuring that the NNSA can efficiently support Department of Defense schedules and requirements to maintain the highest levels of performance for our nation's nuclear weapons, while maximizing safety for NNSA employees and contractors performing the stockpile stewardship mission.

The conferees are concerned that NNSA not spend funds early in fiscal year 2002 that turn out to be wasted effort once the Nuclear Posture Review and its implementation by the Administration and the Congress is completed. The conferees are also concerned that the NNSA not spend funds in fiscal year 2002 that presuppose the outcome of the Nuclear Posture Review or thwart the ability of Congress to provide effective and timely oversight. It is the conferees' intent and instruction that the NNSA use the funds in its budget request and the additional funds provided herein for nuclear weapons activities only for generic process and infrastructure improvements and to continue on-going weapon refurbishment activities. NNSA should minimize weapon-unique investments in fiscal year 2002 in those instances where NNSA knows today that there is uncertainty about the long-term viability of the nuclear weapon or its delivery system. The NNSA may not use funds in fiscal year 2002 to initiate new weapons development programs or to initiate new warhead refurbishment programs that have not been formally identified to and approved by the Congress, other than through formal written reprogramming requests to the Armed Services and Appropriations Committees of Congress.

The conferees are concerned in particular about the W-80 warhead refurbishment for air-launched cruise missiles. The Department of Energy has the means to extend the life of the W-80 warhead by tens of years, yet the Department of Defense has yet to budget any funds to extend the life of its air-launched cruise missiles. Even if the life of the W-80 warhead and cruise missile were extended in an integrated and synchronized manner, the question of the desirability of extending the life of the B-52 aircraft fleet (already 40 years old) for a similar extended timeframe would need to be addressed by both the Administration and Congress. Because of the uncertainty surrounding these issues, the conferees designate funding for W-80 warhead life extension in fiscal year 2002 to be of special interest. Use of fiscal year 2002 funds for the unique costs to develop or implement W-80 warhead refurbishment that involve long-term life extension require advance written notification to and approval by the Armed Services and Appropriations Committees of Congress.

NNSA budget justifications.—The conferees agree that NNSA budget justification material for major nuclear weapon acquisition programs is currently not sufficient to assure adequate Congressional oversight of these very important programs. NNSA, in conjunction with the Department of Defense, is expected to propose significant investment in strategic weapon systems (to include refurbishments and life extensions) during the next 10 years to meet military requirements once the Administration's Nuclear Posture Review is completed. The Congress will have to examine these proposals in detail and will likely be asked to agree to higher levels of annual spending for these initiatives. It is vital that NNSA articulate the investment costs and benefits of such proposals in a clear and consistent manner.

The conferees direct the Administrator to submit Selected Acquisition Reports (SAR) once a year to the Armed Services and Appropriations Committees of Congress, to accompany the fiscal year 2003 and subsequent President's Budgets. The reports should be similar in content and format to those submitted to Congress by the Department of Defense pursuant to section 2432 of Title 10 of United States Code. The NNSA should identify criteria for designating its major defense acquisition programs, as the Defense Department has done, and then report annually on systems which meet them. The NNSA should also identify criteria for when to start SAR reporting for a given weapon system, and when to end it. SAR systems are generally those which require a significant development cost (hundreds of millions of dollars) or significant acquisition cost (billions of dollars). The conferees anticipate that this reporting requirement will not place an undue burden on the NNSA. If a system is to be refurbished in a block-approach, the SAR report must address information on each and all blocks of the program.

The conferees further direct that the Comptroller General review the NNSA's fiscal year 2003 submission of selected acquisition reports within 90 days of their submission to Congress, and assess whether they adequately and thoroughly identify information equivalent to what the Department of Defense provides Congress in its SAR reports. The conferees also direct the NNSA to include

detailed information in the budget justification documents for its fiscal year 2003 and subsequent President's budget requests to Congress by weapon system. The budget should clearly show the unique and the fully-loaded cost of each weapon activity, to include refurbishments and conceptual study and/or development of new weapons.

Construction projects.—The conference agreement includes a significant increase in funding for new and ongoing construction projects and a new program for facilities and infrastructure upgrades. While these increases are necessary to maintain the nuclear weapons complex, the conferees are concerned that these increases will tax the existing project management expertise of the NNSA and its contractors. To ensure that construction project funding is properly executed, the conferees direct the NNSA's Office of Project Management Support to review each of these projects and verify that the conceptual design and at least 35 percent of the detailed design are completed before construction funds are obligated. The NNSA is strongly encouraged to use the expertise resident in the Department's Office of Construction and Engineering Management for this purpose.

Nuclear Weapons Council Reporting.—The Armed Services Committees require annual reporting on the activities of the Nuclear Weapons Council, a joint Department of Defense and Energy activity that manages nuclear weapons. This document is a key tool for the Appropriations and Armed Services Committees of Congress to perform effective oversight of our nation's nuclear weapons. The Secretary of Energy submitted the fiscal year 2000 report (dated October 1, 2000) on September 26, 2001. The conferees question the utility of a report (under 20 pages) whose information is about a year old when submitted, and whether the Departments of Energy and Defense take seriously the need to responsibly support Congressional oversight of nuclear weapons on a timely basis. Reports to Congress on a previous fiscal year's activities, to be relevant to the authorization and appropriations process, should be submitted for Committees to use during their hearings in the spring of the following year. Waiting until the end of the fiscal year to submit the information inhibits the hearing process, the authorization process, and the appropriations process as well as depriving Members of Congress charged with an important oversight responsibility from effectively performing their duty due to lack of timely information. The conferees direct the Secretary of Energy to submit future reports by March 1 of each year.

WEAPONS ACTIVITIES

The conference agreement provides \$5,429,238,000 for Weapons Activities instead of \$5,123,888,000 as proposed by the House and \$6,062,891,000 as proposed by the Senate. The Administration's budget request for Weapons Activities was \$5,300,025,000 which included \$271,137,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the fiscal year 2002 budget request for Weapons Activities to \$5,028,888,000. Thus, the conference recommendation

is \$400,850,000 over the budget request for nuclear weapons programmatic activities.

Statutory language proposed by the Senate to earmark funds for technology partnerships and community reuse organizations has not been included. The conferees direct the NNSA to fully utilize technology partnerships supportive of its missions, including the support of small business interactions including technology clusters around the laboratories.

Reprogramming.—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follows: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than \$5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of \$5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations.

Directed stockpile work.—The conference agreement includes \$1,045,814,000 for directed stockpile work instead of \$1,043,791,000 as proposed by the House and \$1,081,337,000 as proposed by the Senate.

Campaigns.—The conference agreement consolidates the individual campaigns into six major groups: science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, and readiness campaigns. Funding for individual campaigns is shown on the accompanying table.

For science campaigns, the conference agreement provides \$269,703,000, an increase of \$8,583,000 over the budget request. From within available funds, an additional \$25,000,000 is provided for advanced radiography to continue research, development and conceptual design for an advanced hydrodynamic test facility, including further development and evaluation of proton radiography techniques.

For engineering campaigns, the conference agreement provides \$245,225,000, an increase of \$9,469,000 over the budget request, to meet additional program requirements.

For inertial confinement fusion, the conference agreement provides \$506,443,000, an increase of \$39,500,000 over the budget request, and includes several program funding adjustments. The conference agreement includes \$10,000,000 for the Naval Research Laboratory, the same as the budget request. Funding of \$24,500,000 has been provided to further development of high average power lasers.

The conference agreement includes \$35,450,000 for the Laboratory for Laser Energetics at the University of Rochester, an increase of \$2,000,000 over the budget request, to be used for development of critical short-pulse laser technologies that should be extensible to producing very high power laser capability on the National Ignition Facility as well as existing large fusion research lasers like Omega.

The conference agreement provides an additional \$7,000,000 for enhanced National Ignition Facility (NIF) diagnostics and cryogenic target activities, and \$245,000,000, the same as the budget request, for continued construction of the NIF.

The conferees understand the Department is preparing a National Petawatt Strategic Plan and support completion of this initiative, including within the strategic planning the research and development of supporting technologies necessary to ensure U.S. leadership in ultra-short-pulse laser technology. Funding of \$3,000,000 is provided for conceptual and preliminary engineering design studies for a petawatt-class laser at the Sandia National Laboratory's Z machine, and \$1,000,000 is provided to initiate development of critical short-pulse laser technologies like damage-resistant gratings.

The conferees strongly support university participation in this program and have provided \$9,886,000 for university grants/other ICF support, an increase of \$4,500,000 over the budget request. This includes \$2,500,000 to complete the installation and initiate operation of a petawatt laser or high-power, short-pulse laser at the University of Nevada-Reno. The conferees believe that early access to an operating petawatt-class laser will provide opportunities for exploring technology options to incorporate in the next generation of petawatt lasers. The conferees direct the Department to provide a monthly status report to the House and Senate Committees on Appropriations on the status of the University of Nevada-Reno project. The conferees have included the additional \$2,000,000 for university grants to encourage greater participation of universities in the Department's programs and as a means of training new scientists in high energy density and laser physics.

For advanced simulation and computing, the conference agreement provides \$729,847,000, a decrease of \$8,185,000 from the budget request. The reduction in operating expenses should be taken against lower priority activities. The conference agreement allocates funding of \$8,400,000 for Project 01-D-101, the Distributed Information Systems Laboratory at Sandia; \$22,000,000 for Project 00-D-103, the Terascale Simulation Facility at Livermore; and \$13,377,000 for Project 00-D-107, the Joint Computational Engineering Laboratory at Sandia. Each of these projects has experienced significant reductions in prior years due to funding constraints.

For pit manufacturing and certification, the conference agreement provides \$219,000,000, an increase of \$90,455,000 over the budget request of \$128,545,000. On September 28, 2001, the NNSA Administrator notified the House and Senate Committees on Appropriations that the fiscal year 2002 projected cost for pit manufacturing and certification was \$213,000,000. In addition, the conferees have provided the budget request of \$2,000,000 for pit manufacturing and certification activities not specifically supporting the W88 and \$4,000,000 for preconceptual design activities for a new pit manufacturing facility. From within the funds provided, the conference agreement includes full funding for subcritical experiments to be performed at the Nevada Test Site. Additional funding is provided within the Readiness in Technical Base and Facilities program to support facilities and activities critical to the success of the pit manufacturing and certification campaign.

For readiness campaigns, the conference agreement provides \$196,886,000, an increase of \$31,869,000 over the budget request. This includes, at a minimum, an additional \$24,000,000 for the Y-12 Plant in Oak Ridge, Tennessee. No funding is provided for Project 98-D-126, Accelerator Production of Tritium, the same as the budget request.

For readiness in technical base and facilities, the conference agreement provides \$1,553,124,000, an increase of \$106,136,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional \$25,000,000 be provided for the Pantex Plant in Texas and an additional \$10,000,000 be provided for the Y-12 Plant in Oak Ridge, Tennessee. The conference agreement also includes an additional \$10,000,000 for the Z machine refurbishment at Sandia; \$10,000,000 to consolidate and enhance counter-terrorism activities and programs at the National Center for Combating Terrorism at the Nevada Test Site; and \$1,500,000 for technology partnerships with industry as proposed by the Senate.

The conference agreement does not provide additional funding to process uranium-233 as proposed by the Senate. This issue is addressed in the Energy Supply account.

Within funds provided for program readiness, the conference agreement includes additional funding of \$10,000,000 for the operation of pulsed power facilities at Sandia National Laboratory. Additional funding of \$9,094,000 above the budget request is provided to maintain Nevada Test Site readiness and maintain materials processing and component manufacturing readiness consistent with the 1993 Presidential directive concerning underground nuclear testing.

Within funds provided for special projects, the conference agreement includes \$1,000,000 for the Remote Sensing Laboratory to enhance pilot proficiency, aircraft safety, and aviation support elements; \$1,000,000 for final funding for the tumor registry in the State of Nevada; \$250,000 to prepare a plan to preserve the history of the Manhattan project; \$1,000,000 for installation of exhibits at the Atomic Testing History Institute; and the budget request for the Los Alamos County Schools and the New Mexico Education Enrichment Foundation.

The conference agreement includes \$90,310,000 for materials recycling, \$8,199,000 for containers, \$10,643,000 for storage, and \$88,923,000 for nuclear weapons incident response, as proposed by the Senate.

For construction projects, the conference agreement includes several adjustments to the budget request. Funding of \$22,830,000 is provided for Project 02-D-103, Project Engineering and Design (PE&D), including \$4,000,000 for architecture and engineering services for modernization of surface support facilities for the U1A complex at the Nevada Test Site; \$4,750,000 for Project 02-D-105, Engineering Technology Complex Upgrade at Livermore; \$3,507,000 for Project 02-D-107, Electrical Power Systems Upgrades at the Nevada Test Site; \$16,379,000 for Project 01-D-103, PE&D, including \$2,693,000 for electrical power systems upgrades at the Nevada Test Site; \$67,000,000 for Project 01-D-108, Microsystems and Engineering Sciences Applications Complex at Sandia; and \$2,000,000 for Project 99-D-108, Renovate Existing Roadways at the Nevada Test Site. No funds are provided for Project 01-D-124, HEU Storage Facility at the Y-12 Plant in Tennessee.

Funding of \$3,300,000 is provided for Project 01-D-107, Atlas Relocation at the Nevada Test Site. The total estimated cost of this project has increased by \$4,123,000 to \$16,312,000.

Facilities and Infrastructure.—The conference agreement includes \$200,000,000 to establish a new program for facilities and infrastructure (F&I). The Department had requested no funding for this program. The conferees agree with the House report language on the F&I program and direct that at least 25 percent of this funding be used to dispose of excess facilities that will provide the greatest impact on reducing long-term costs and risks.

Secure Transportation Asset.—The conference agreement provides \$123,300,000 as proposed by the Senate, an increase of \$1,500,000 over the budget request.

Safeguards and security.—The conference agreement includes \$448,881,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration.

Program direction.—The budget request included \$271,137,000 for program direction activities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes an adjustment of \$28,985,000 for a security charge for reimbursable work, as proposed in the budget, and a general reduction of \$80,000,000.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$803,586,000 for Defense Nuclear Nonproliferation instead of \$845,341,000 as proposed by the House and \$880,500,000 as proposed by the Senate. The Administration's budget request for Defense Nuclear Nonproliferation was \$773,700,000 which included \$51,459,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the budget request for Defense Nu-

clear Nonproliferation to \$722,241,000. Thus, the conference recommendation is an increase of \$81,345,000 over the budget request.

Statutory language proposed by the Senate to earmark funding for official reception and representation expenses has not been included. This activity is funded in the Office of the NNSA Administrator account.

Limitation on Russian and Newly Independent States' (NIS) program funds.—The conferees are concerned about the amount of funding for Russian and NIS programs which remains in the United States for Department of Energy contractors and laboratories rather than going to the facilities in Russia and the NIS. The conferees expect the Department to continue to increase the level of funding provided to Russia versus the funding which remains in the United States for Department of Energy contractors and laboratories in each subsequent year. The conferees direct the Department to apply the lowest possible laboratory overhead rates and to increase the percent of funding spent in Russia. The Department is to provide a report to the House and Senate Committees on Appropriations by January 31, 2002, and each subsequent year on the amount of funding provided to Russia and NIS in each program area. The Department should work with the Committees on the specific information to be included in the report.

Nonproliferation and verification research and development.—The conference agreement provides \$244,306,000 for nonproliferation and verification research and development. This includes \$19,510,900 for ground-based systems for treaty monitoring, an increase of \$7,000,000 over the budget request. From within available funds, \$4,000,000 is provided to establish the Remote Systems Test and Engineering Center at the Remote Sensing Laboratory and \$2,500,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The Department is urged to review the potential value of the Caucasus Seismic Information Network to the nuclear explosion monitoring national security mission.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to initiate a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2002 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

Arms control.—The conference agreement provides \$75,741,000 for arms control activities, instead of the budget request of \$101,500,000, due to several funding transfers. The conference agreement transfers \$4,000,000 for the Second Line of Defense program to the International Materials Protection, Control and Accounting program. Funding of \$28,759,000 for the NIS nonproliferation program for the Initiatives for Proliferation Prevention and the Nuclear Cities Initiative has been transferred to a new program, "Russian Transition Initiatives." Funding of \$15,945,000,

an increase of \$7,000,000 over the budget request, has been provided for spent nuclear fuel activities in Kazakhstan. No additional funds are provided for spent nuclear fuel storage and a geologic repository in Russia.

International materials protection, control and accounting (MPC&A).—The conference agreement includes \$173,000,000 for the MPC&A program including \$4,000,000 for the Second Line of Defense program which was transferred from the Arms Control program.

Russian Transition Initiatives.—The conference agreement provides \$42,000,000 for the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative. These programs were transferred from the arms control program. The conferees expect the Department to provide a single program manager responsible for both programs and have provided the Department the flexibility to allocate the funding between the two programs. The program manager should also ensure close coordination with other Federal agencies that direct money to scientists working in closed cities.

HEU transparency implementation.—The conference agreement provides \$13,950,000, the same as the budget request.

International nuclear safety.—The conference agreement provides \$10,000,000 for the international nuclear safety program, a reduction of \$3,800,000 from the budget request. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. From within available funds, the conference agreement provides \$1,500,000 to transfer and implement proven U.S.-developed Mechanical Stress Improvement Process technology requested by the Russian Federation. The Department is to provide a status report on the progress of this project by March 31, 2002.

Fissile materials disposition.—The conference agreement provides \$302,422,000 for fissile materials disposition, an increase of \$12,333,000 over the budget request. Limitations on the amount of funding which remains in the United States shall not apply to the fissile material disposition programs.

The conference agreement includes \$5,000,000 to support the joint United States-Russian program to develop an advanced reactor for plutonium disposition. The United States should take advantage of this technology for a possible next generation nuclear power reactor for United States and foreign markets. Therefore, the Department should explore opportunities to develop and exploit this technology for commercial purposes.

The conferees are concerned that the Administration's consideration of alternative plutonium disposition and management scenarios, combined with a much lower than expected budget request, have introduced substantial instability into both the Russian and U.S. components of the plutonium disposition program. The conferees regard this program as one of the most important non-proliferation initiatives undertaken between the United States and Russia. It is also closely integrated into the Department's environmental cleanup and material management programs. The instabilities injected into this program are jeopardizing the future of this program, both in this country and in Russia, and may result in the permanent loss of this significant opportunity.

The conferees understand that the issue of plutonium disposition at the Savannah River Site will be fully addressed in the Fiscal Year 2002 Defense Authorization Act. However, the conferees direct the Secretary of Energy to consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site. The Secretary is also directed to submit to Congress a plan for disposal of surplus defense plutonium currently located at the Savannah River site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. This plan is due by February 1, 2002.

The conferees further direct the Secretary to provide 30 days notice to the House and Senate Committees on Appropriations before resuming shipments of defense plutonium and defense plutonium materials to the Savannah River Site.

Until further approval from the Committees on Appropriations, the conferees expect that funds set aside for plutonium disposition in Public Law 105-227, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, shall only be used in a manner consistent with the current plutonium disposition program.

At the request of the Department, the conference agreement makes the following changes to the Department's budget request. Funding of \$5,000,000 is reallocated from Project 99-D-141, the Pit Disassembly and Conversion Facility, to operating expenses in support of this project. Funding of \$29,340,000, an increase of \$5,340,000 over the budget request, is provided for Project 01-D-407, the HEU Blend Down Project. Funding of \$65,993,000, an increase of \$2,993,000 over the budget request, is provided for Project 99-D-143, the Mixed Oxide Fuel Fabrication Facility. These increases totaling \$8,333,000 are funded through balances remaining from prior year construction projects.

Program direction.—The budget request included \$51,459,000 for program direction activities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes funding adjustments of \$57,833,000. This includes the use of \$42,000,000 of prior year balances, as requested in the budget; \$8,333,000 from prior year balances in fissile materials disposition construction projects; and \$7,500,000 from prior year unobligated and uncosted balances.

NAVAL REACTORS

The conference agreement provides \$688,045,000 for Naval Reactors, the same as the budget request.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides \$312,596,000 for the Office of the Administrator instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. The conference agreement consolidates program direction funds of \$337,596,000 requested in the weapons activities, defense nuclear nonproliferation,

and office of the administrator appropriation accounts. Total funding of \$312,596,000 has been provided, a reduction of \$25,000,000 from the original request. This reduction anticipates efficiencies to be gained through this consolidation and the use of prior year unobligated balances from the three merged program direction accounts.

The conferees do not support increasing the total number of staff in the NNSA. While there is broad agreement that NNSA may not have the appropriate skill mix in its existing work force, there is also broad agreement that simply adding more people is not the answer.

Statutory language providing \$12,000 for official reception and representation expenses has been included.

ENVIRONMENTAL AND OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides \$5,234,576,000 for Defense Environmental Restoration and Waste Management instead of \$5,174,539,000 as proposed by the House and \$5,389,868,000 as proposed by the Senate. Additional funding of \$1,092,878,000 is contained in the Defense Facilities Closure Projects account and \$153,537,000 in the Defense Environmental Management Privatization account for a total of \$6,480,991,000 provided for all defense environmental management activities.

The conference agreement provides for the purchase of not to exceed 30 passenger motor vehicles as proposed by the House.

The conferees believe the significant cleanup issues before the Department at the Paducah Gaseous Diffusion Plant in Kentucky require continued strong management oversight from Headquarters. The conferees direct that the Secretary provide for the management of environmental matters (including planning and budgetary activities) with respect to the plant through the Assistant Secretary of Energy for Environmental Management. The Assistant Secretary shall ensure that direct communication and thorough consultation exists at all times between herself and the head of the Paducah environmental cleanup programs on all relevant matters.

Low level waste disposal.—The conferees agree that the Department, where cost-effective, should use existing Federal contracts for the disposal of low-level and mixed low-level waste at commercial off-site disposal facilities. Further, before proceeding with any new on-site disposal cell, the Department is directed to submit to the House and Senate Committees on Appropriations an objective analysis comparing the life-cycle costs of on-site versus off-site disposal alternatives. Such analysis must address the concerns identified by the General Accounting Office in its recent report (GAO-01-441), which found that the Department has not made accurate estimates of waste volumes and transportation costs when comparing on-site versus off-site alternatives.

Site/Project Completion.—The conference agreement provides additional funding to mitigate funding shortfalls at the following sites: \$18,000,000 for the Idaho site; \$20,000,000 for the Savannah River Site in South Carolina; \$34,300,000 for the Hanford site in

Richland, Washington; and \$7,000,000 for South Valley, Kansas City, Pantex, and Sandia.

The conference agreement includes \$9,000,000 to expedite the remediation and conveyance of up to 2000 acres of land for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos consistent with the direction of section 632 of Public Law 105-119.

Funding of \$20,000,000 has been provided for a new construction project, Project 02-D-420, Plutonium Packaging and Stabilization, at the Savannah River Site. At the request of the Department, the conference agreement consolidates funding from the following sources for this project: \$7,500,000 from current and prior year balances in Project 01-D-414, Project Engineering and Design (PE&D); \$4,000,000 from prior year balances available from cancellation of Project 01-D-415, 235-F Packaging and Stabilization project; and \$8,500,000 from prior year balances provided to the Savannah River Site in fiscal year 2001 for plutonium stabilization activities.

Funding of \$2,754,000 is provided for Project 01-D-414, Project Engineering and Design, as proposed by the House.

Post 2006 Completion.—The conference agreement provides additional funding over the budget request for several activities. Additional funding of \$105,000,000 is provided for the Idaho site. From within these funds, \$15,000,000 is to initiate activities associated with the demonstration of waste retrieval at the subsurface disposal area at the Idaho National Engineering and Environmental Laboratory (INEEL); \$700,000 is to continue conceptual design activities for a subsurface geosciences laboratory at Idaho; \$4,000,000 is for the Subsurface Science Research Institute operated by the Inland Northwest Research Alliance and the INEEL; and up to \$750,000 is to evaluate the need for a remote-handled transuranic waste facility at ANL-West and initiate conceptual design if needed.

The conferees encourage the Department of Energy to use alternative dispute resolution to resolve claims relating to the contract dispute on Pit 9 at Idaho.

Additional funding of \$125,000,000 is provided for the Savannah River Site in South Carolina. From within available funds, \$8,000,000 is provided for the Savannah River Ecology Laboratory, an increase of \$2,000,000 over the budget request, and \$800,000 is provided to continue the Department's relationship with the University of South Carolina's Center for Water Resources.

Additional funding of \$110,000,000 is provided for the Hanford site in Richland, Washington, to support the River Corridor Initiative. From within available funds, \$8,481,000 is provided for the hazardous waste worker training program, an increase of \$7,481,000 over the budget request, and \$600,000 is provided for State of Oregon oversight activities. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Additional funding of \$3,400,000 is provided for cleanup activities at the Nevada Test Site and \$3,000,000 to continue the underground test area groundwater flow characterization drilling program.

Additional funding of \$10,000,000 is provided to continue remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Laboratory and to support New Mexico State Agreements-in-Principal requirements.

Additional funding of \$10,000,000 is provided for cleanup activities at the Lawrence Livermore National Laboratory.

Additional funding of \$28,100,000 is provided to the Carlsbad field office. This includes \$17,100,000 for Waste Isolation Pilot Plant (WIPP) operations; \$7,000,000 to implement program-wide best practices to optimize waste processing, develop new technology solutions, and develop a mobile/modular approach for small quantity sites; \$3,000,000 to continue the U.S.-Mexico Border Health Commission/Materials Corridor Partnership Initiative; and \$1,000,000 for research, development, and initial demonstration in support of an experiment to be conducted at WIPP to evaluate the mass of the neutrino.

Office of River Protection.—The conference agreement provides \$1,033,468,000, an increase of \$221,000,000 over the budget request, for the Office of River Protection at the Hanford site in Washington. Funding of \$665,000,000 has been provided for Project 01-D-416, the Hanford Waste Treatment Plant, to vitrify the high-level waste in underground tanks.

While the conferees share Washington State's concern regarding the Administration's inadequate budget request for the Office of River Protection and Hanford cleanup activities and recognize the right of the State to levy fines under the Tri-Party Agreement, the conferees question the constructiveness of the State's imposition of weekly fines due to the Department's failure to begin construction on the waste treatment plant. As demonstrated in this conference, the conferees continue to adequately support this project and believe the weekly fines may only be serving to distract site managers from the mission of cleanup.

Science and technology development.—The conference agreement provides \$255,768,000 for the science and technology development program. The conference agreement provides \$4,000,000 for the next round of new and innovative research grants in the environmental management science program in fiscal year 2002.

The conference agreement includes \$4,000,000 for the international agreement with AEA Technology; \$7,000,000 for the Department's cooperative agreement with the Florida International University; \$27,100,000 for the D&D focus area program; \$33,800,000 for industry and university programs; \$5,000,000 for the Western Environmental Technology Office; \$4,000,000 to continue evaluation, development and demonstration of the Advanced Vitrification System; \$3,000,000 to continue engineering, development and deployment of remote monitoring systems for the underground test area; \$5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; and \$4,350,000 for the university robotics research program.

Limitation on multi-year funding agreements.—The Department is directed not to sign any new funding agreement that commits more than one year of funding for science and technology activities with any entity. The following types of agreements are exempt from this direction: basic and applied research projects that

have been competitively awarded; competitively awarded science and technology projects that are phased such that funding for the succeeding phases is contingent upon successful performance, continued scientific merit, and mission relevance of the work to environmental management; and projects requiring significant infrastructure investment which will be cost shared between the Department and the performing entity. For new science and technology projects not meeting one of the above exemptions, the Department shall provide written notification to the Committees of its intent to enter into an agreement that commits more than one year of funding a minimum of 60 days prior to award. This notification must provide a detailed description of the project, the expected benefits, and a justification for multiple year funding.

Excess facilities.—The conference agreement includes \$5,000,000, an increase of \$3,700,000 over the budget request, for excess facilities. These funds are to be used to initiate D&D of excess facilities owned by the environmental management program.

Safeguards and security.—The conference agreement includes \$205,621,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the Office of Environmental Management.

Program direction.—The conferees have provided \$355,761,000, the same as the budget request, for the program direction account.

Funding adjustments.—The conference agreement includes the use of \$56,770,000 of prior year balances, an increase of \$20,000,000 over the budget request, which funds Project 02–D–420 at the Savannah River Site. A security charge for reimbursable work of \$5,391,000, the same as the budget request, is included, and a general reduction of \$92,110,000, due to funding constraints.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides \$1,092,878,000 as proposed by the House instead of \$1,080,538,000 as proposed by the Senate. Funding is provided for the following projects: \$620,504,000 for the Rocky Flats Site in Colorado; \$295,299,000 for Fernald, Ohio; \$91,000,000 for the Mound site in Ohio; \$16,000,000 for the Ashabula site in Ohio; and \$16,100,000 for the Columbus environmental management project in Ohio. The conferees expect the Department to request adequate funds to keep each of these projects on schedule for closure by 2006 or earlier.

Funding of \$53,975,000 is provided for safeguards and security. Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides \$153,537,000 for the defense environmental management privatization program instead of \$143,208,000 as proposed by the House and \$157,537,000 as proposed by the Senate. The conference agreement includes \$13,329,000 for the Paducah Disposal Facility in Kentucky, the same as the budget request.

Funding of \$52,000,000 has been provided for the Advanced Mixed Waste Treatment Project (AMWTP) in Idaho, an increase of \$12,000,000 over the budget request of \$40,000,000. Funding for

the AMWTP does not include financing and termination liability costs for fiscal year 2002 that would be required of the Department of Energy in the unlikely event of a termination for convenience as stipulated in the project contract.

OTHER DEFENSE ACTIVITIES

The conference agreement provides \$544,044,000 for Other Defense Activities instead of \$487,464,000 as proposed by the House and \$564,168,000 as proposed by the Senate. Details of the conference agreement are provided below.

SECURITY AND EMERGENCY OPERATIONS

For security and emergency operations funding managed at Headquarters, the conference agreement provides \$250,427,000, a reduction of \$18,823,000 from the budget request. The conference agreement provides total safeguards and security funding of \$1,004,716,000 which includes \$754,289,000 for safeguards and security activities at Departmental field offices and facilities. For field sites, this is an increase of \$63,451,000 over fiscal year 2001 funding of \$665,178,000 for safeguards and security activities.

Funding of \$116,500,000 is provided for nuclear safeguards and security, including \$2,500,000 to procure safety locks to meet Federal specifications.

The conference agreement provides \$44,927,000 for security investigations, the same as the budget request.

Funding of \$10,000,000 is provided for the Corporate Management Information System in this account, a reduction of \$10,000,000 from the budget request, and \$5,000,000 is provided in the Departmental Administration account.

Program direction.—The conference agreement provides \$79,000,000 for program direction, a decrease of \$4,135,000 from the budget request.

INTELLIGENCE

The conference agreement includes \$40,844,000, the same as the budget request, for the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes \$46,000,000, a reduction of \$389,000 from the budget request, for the Department's counter-intelligence program.

ADVANCED ACCELERATOR APPLICATIONS

The conference agreement provides \$50,000,000 to continue research on advanced accelerator applications, including \$4,500,000 for research and development of technologies for economic and environmentally-sound refinement of spent nuclear fuel at the University of Nevada-Las Vegas; \$4,000,000 for reactor-based transmutation studies; and \$1,500,000 for the Idaho Accelerator Center. No funds are provided for Project 98-D-126, Accelerator Production of Tritium.

The President's National Energy Policy of May 2001 acknowledged the potential of reprocessing and transmutation technologies

to reduce the quantity and long-term toxicity of spent nuclear fuel, and recommended further consideration of such technologies. The Advanced Accelerator Applications program will provide the technical information to support a future policy decision on these options.

The Department is directed to prepare a report for Congress by May 1, 2002, providing a comparison of the chemical and pyro-reprocessing, accelerator-driven transmutation, and fast reactor transmutation alternatives, fully disclosing all waste streams and estimating the life-cycle costs to construct, operate, and decommission and decontaminate all necessary facilities. The Department should also compare the proliferation resistance of the various technologies. The baseline for all comparisons should be the once-through fuel cycle as presently used in the United States, and the amount of spent nuclear fuel presently scheduled for disposal in the geologic repository. The conferees expect this report to present the Department's strategy for siting the new processing and disposal facilities that would be required for the various reprocessing and transmutation alternatives, again assuming a capacity sufficient to process the amount of spent fuel presently scheduled for geologic disposal. The conferees encourage the participation of international collaborators, industrial partners, and U.S. universities in this effort.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides \$14,904,000, the same as the budget request, for the independent oversight and performance assurance program. The conferees are aware that additional duties for environmental oversight have been assigned to this office and expect the Department to submit a reprogramming to transfer an estimated \$7,000,000 to support these oversight activities which have been funded previously in the environment, safety and health program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides \$117,688,000 for defense-related environment, safety and health activities. From within available funds, \$53,438,000 is provided for health effects studies and \$13,500,000 for the Radiation Effects Research Foundation, the same as the budget request. The conferees have provided \$5,000,000 to continue a program at the University of Nevada-Las Vegas for Department-wide management of electronic records; \$1,750,000 for the University of Louisville and the University of Kentucky to perform epidemiological studies of workers; and \$1,000,000 for health studies of workers at the Iowa Army Ammunition Plant.

The U.S. government is currently renegotiating its diplomatic, defense, and economic relationship with the Government of the Republic of the Marshall Islands (RMI). The conferees urge the U.S. government to provide a single, combined package of assistance to support the medical and public health infrastructure needs of the Marshall Islands and believe that the negotiations should include discussion of the transition of the environmental monitoring program to the RMI.

The conference agreement includes \$22,000,000 for program direction, a reduction of \$1,293,000 from the budget request.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides \$20,000,000 for the worker and community transition program as proposed by the Senate. Funding of \$900,000 has been provided for infrastructure improvements at the former Pinellas weapons plant.

The conference agreement provides that no funds may be used to augment the \$20,000,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides \$22,000,000 for national security programs administrative support instead of \$25,000,000 as proposed by the House and the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides \$2,893,000 for the Office of Hearings and Appeals, the same as the budget request.

FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of \$712,000 and a general reduction of \$20,000,000. The general reduction should be applied to programs which have unobligated balances carried over from prior fiscal years and lower priority program activities.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides \$280,000,000 for the defense contribution to the nuclear waste repository program instead of \$310,000,000 as proposed by the House and \$250,000,000 as proposed by the Senate.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

The conference agreement does not incorporate Senate language providing new borrowing authority to the Bonneville Power Administration. No new direct loan obligations may be made during fiscal year 2002 as proposed by the House.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes \$4,891,000, the same as the budget request, for the Southeastern Power Administration.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
ADMINISTRATION

The conference agreement includes \$28,038,000, the same as the budget request, for the Southwestern Power Administration.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

The conference agreement provides \$171,938,000, instead of \$172,165,000 as proposed by the House and \$169,465,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific activities.

Of the amount appropriated, not less than \$200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota. These funds shall be non-reimbursable. Within the amount appropriated, not less than \$200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies. These funds shall be non-reimbursable. Western shall publish a study by July 31, 2002, that contains a recommendation of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy.

The amount appropriated for construction and rehabilitation includes \$2,700,000 to fund high priority portions of the South of Phoenix portion of the Parker-Davis Project transmission system. The Federal share of the upfront costs is to be recovered through the transmission rates of the Parker-Davis Project. Western should pursue additional funds from those utilities requiring additional transmission capacity, and the conferees expect that any funding received will be used to offset future appropriations requirements.

Funding of \$6,000,000 is provided for the Utah Reclamation Mitigation and Conservation Account.

The conference agreement provides \$109,378,000 for program direction, a reduction of \$5,000,000 from the budget request.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes \$2,663,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$184,155,000, a \$3,000,000 increase over the budget request for the Federal Energy Regulatory Commission. The conference agreement also includes statutory language authorizing an additional five senior executive service positions for the Federal Energy Regulatory Commission. The conference agreement does not include bill language proposed by the House prohibiting the use of funds to authorize construction of the Gulfstream Natural Gas Project.

The conferees direct the Commission to submit a report to Congress by January 31, 2002, on the economic impacts on western utilities and ratepayers associated with the Commission's emergency order imposing price caps on daily spot power sales resulting from the inability of western load serving utilities to recover costs from daily sales of excess power from long-term forward contracts.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes a provision proposed by the House that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation. At least 60 days before the Secretary grants such a waiver, the Secretary must submit a report setting forth, in specificity, the substantive reasons why the requirement for competition should be waived. This language slightly modifies a provision carried in previous Energy and Water Development Appropriations Acts.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303. The conference agreement includes a provision proposed by the Senate that none of the funds may be used to augment the \$20,000,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306. The conference agreement includes language proposed by the House prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307. The conference agreement amends section 308 as proposed by the House regarding notice and competition required for Department of Energy user facilities.

Sec. 308. The conference agreement includes language limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackaging residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site". This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 310. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize the manager of the Nevada Operations Office to use not more than 2 percent of available funds for research, development and demonstration activities necessary for operations and readiness of the Nevada Test Site.

Sec. 311. The conference agreement includes language proposed by the Senate amending section 1 of Public Law 105-204 pertaining to depleted uranium hexafluoride by extending the date to fiscal year 2005.

Sec. 312. The conference agreement modifies language proposed by the Senate prohibiting oil and gas drilling in the Finger Lakes National Forest, New York. No Federal permit or lease shall be issued during fiscal year 2002.

Provisions not adopted by the conference.—The conference agreement deletes section 307 of the House bill and section 306 of the Senate bill pertaining to LDRD.

The conference agreement deletes section 309 of the Senate bill allowing each Federal power marketing administration to engage in activities relating to the formation and operation of a regional transmission organization.

The conference agreement deletes section 312 of the Senate bill requiring the Secretary of Energy to conduct a study of alternative financing approaches for infrastructure and facility construction

projects at the Department of Energy. This reporting requirement is addressed in the statement of the managers.

The conference agreement deletes section 313 of the Senate bill requiring the Secretary of Energy to implement certain reporting structures for the Paducah Gaseous Diffusion Plant in Kentucky. This requirement is addressed in the statement of the managers.

The conference agreement deletes section 314 of the Senate bill expressing the sense of the Senate on Yucca Mountain.

The conference agreement deletes section 315 of the Senate bill pertaining to consultations with the State of South Carolina on the disposition of plutonium. This issue is addressed in the statement of the managers.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

Department of Energy (in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems.....	81,955	93,000
Geothermal technology development.....	13,900	29,000
Hydrogen research.....	26,881	31,000
Hydropower.....	4,989	5,300
Solar energy.....	42,932	95,000
Wind energy systems.....	20,500	41,000
Total, Renewable energy technologies.....	191,157	294,300
	=====	=====
Electric energy systems and storage.....	51,746	63,000
	=====	=====
Renewable support and implementation		
Departmental energy management.....	1,000	1,500
International renewable energy program.....	2,500	3,000
Renewable energy production incentive program.....	3,991	4,000
Renewable Indian energy resources.....	---	3,000
Renewable program support.....	2,059	3,000
Total, Renewable support and implementation.....	9,550	14,500
	=====	=====
National renewable energy laboratory.....	5,000	5,000
Program direction.....	19,200	19,200
	=====	=====
TOTAL, RENEWABLE ENERGY RESOURCES.....	276,653	396,000
	=====	=====
NUCLEAR ENERGY		
Advanced radioisotope power system.....	29,094	29,000
	=====	=====
Isotopes		
Isotope support and production.....	24,683	23,683
Construction		
99-E-201 Isotope production facility (LANL)....	2,494	2,494
Subtotal, Isotope support and production.....	27,177	26,177
Offsetting collections.....	-9,000	-9,000
Total, Isotopes.....	18,177	17,177
	=====	=====
University reactor fuel assistance and support.....	11,974	17,500
	=====	=====
Research and development		
Nuclear energy plant optimization.....	4,500	7,000
Nuclear energy research initiative.....	18,079	32,000
Nuclear energy technologies.....	4,500	12,000
Total, Research and development.....	27,079	51,000
	=====	=====
Infrastructure		
ANL-West operations.....	34,107	35,357
Fast flux test facility (FFTF).....	38,439	38,439

Department of Energy (in thousands)

	Budget Request	Conference
Test reactor area landlord.....	7,283	7,283
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID.....	950	950
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID.....	500	500
Subtotal, Construction.....	1,450	1,450
Subtotal, Test reactor area landlord.....	8,733	8,733
Total, Infrastructure.....	81,279	82,529
Nuclear facilities management		
EBR-II shutdown.....	4,200	4,200
Disposition of spent fuel and legacy materials.....	16,267	16,200
Disposition technology activities.....	9,990	9,850
Total, Nuclear facilities management.....	30,457	30,250
Program direction.....	25,062	23,000
TOTAL, NUCLEAR ENERGY.....	223,122	250,456
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	14,973	10,973
Program direction.....	20,527	19,527
TOTAL, ENVIRONMENT, SAFETY AND HEALTH.....	35,500	30,500
ENERGY SUPPORT ACTIVITIES		
Technical information management program.....	1,600	1,400
Program direction.....	7,370	6,370
TOTAL, ENERGY SUPPORT ACTIVITIES.....	8,970	7,770
Subtotal, Energy supply.....	544,245	684,726
General reduction.....	---	-18,000
TOTAL, ENERGY SUPPLY.....	544,245	666,726
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure.....	43,000	43,000
Site/project completion.....	64,119	64,119

Department of Energy (in thousands)

	Budget Request	Conference
Post 2006 completion.....	120,053	125,753
Excess facilities.....	1,381	3,500
	=====	=====
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT.....	228,553	236,372
	=====	=====
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning.....	241,641	298,641
Uranium/thorium reimbursement.....	1,000	1,000
Depleted UF6 conversion project.....	10,000	---
	-----	-----
Total, Uranium enrichment D&D fund.....	252,641	299,641
	=====	=====
Other Uranium Activities		
Maintenance and pre-existing liabilities.....	110,784	110,784
02-U-101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH.....	---	10,000
96-U-201 DUF6 cylinder storage yard, Paducah, KY....	---	3,000
	-----	-----
Total, Other uranium activities.....	110,784	123,784
	=====	=====
Use of prior year balances.....	---	-5,000
	=====	=====
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION.....	363,425	418,425
	=====	=====
SCIENCE		
High energy physics		
Research and technology.....	247,870	247,870
Facility operations.....	456,830	456,830
Construction		
98-G-304 Neutrinos at the main injector, Fermilab.....	11,400	11,400
	-----	-----
Subtotal, Facility operations.....	468,230	468,230
	-----	-----
Total, High energy physics.....	716,100	716,100
	=====	=====
Nuclear physics.....	360,510	360,510
	=====	=====
Biological and environmental research		
Construction		
01-E-300 Laboratory for Comparative and Functional Genomics, ORNL.....	10,000	11,405
	-----	-----
Total, Biological and environmental research.....	442,970	527,405
	=====	=====
Basic energy sciences		
Materials sciences.....	434,353	434,353
Chemical sciences.....	218,714	218,714
Engineering and geosciences.....	38,938	38,938
Energy biosciences.....	32,400	32,400

Department of Energy (in thousands)

	Budget Request	Conference
Construction		
02-SC-002 Project engineering and design (VL).....	4,000	3,000
99-E-334 Spallation neutron source (ORNL).....	276,300	276,300
Subtotal, Construction.....	280,300	279,300
Total, Basic energy sciences.....	1,004,705	1,003,705
Advanced scientific computing research.....	163,050	158,050
Energy research analyses.....	1,000	1,000
Multiprogram energy labs - facility support		
Infrastructure support.....	1,020	1,020
Oak Ridge landlord.....	7,359	7,359
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations.....	18,613	18,613
02-SC-001 Multiprogram energy laboratories, project engineering design, various locations.....	3,183	3,183
Subtotal, Construction.....	21,796	21,796
Total, Multiprogram energy labs - fac. support....	30,175	30,175
Fusion energy sciences program.....	248,495	248,495
Facilities and infrastructure.....	---	10,000
Safeguards and security.....	55,412	55,412
Program direction		
Field offices.....	64,400	63,000
Headquarters.....	73,525	72,500
Science education.....	4,460	4,460
Total, Program direction.....	142,385	139,960
Subtotal, Science.....	3,164,802	3,250,812
General reduction.....	---	-12,800
Less security charge for reimbursable work.....	-4,912	-4,912
TOTAL, SCIENCE.....	3,159,890	3,233,100
NUCLEAR WASTE DISPOSAL		
Repository program.....	70,577	39,000
Program direction.....	64,402	56,000
TOTAL, NUCLEAR WASTE DISPOSAL.....	134,979	95,000

Department of Energy (in thousands)

	Budget Request	Conference

DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary.....	4,700	4,700
Board of contract appeals.....	911	911
Office of Management, Budget and Evaluation.....	---	107,000
Chief financial officer.....	36,464	---
Congressional and intergovernmental affairs.....	5,478	4,500
Economic impact and diversity.....	5,230	5,000
General counsel.....	23,058	22,724
International affairs.....	8,481	8,481
Management and administration.....	76,392	---
Policy office.....	6,649	6,600
Public affairs.....	4,581	3,900
	-----	-----
Subtotal, Salaries and expenses.....	171,944	163,816
Program support		
Minority economic impact.....	1,498	1,200
Policy analysis and system studies.....	420	400
Environmental policy studies.....	919	600
Corporate management information program.....	---	5,000
	-----	-----
Subtotal, Program support.....	2,837	7,200
	-----	-----
Total, Administrative operations.....	174,781	171,016
	=====	=====
Cost of work for others.....	71,837	71,837
	-----	-----
Subtotal, Departmental Administration.....	246,618	242,853
Use of prior year balances and other adjustments.....	---	-10,000
Funding from other defense activities.....	-25,000	-22,000
	-----	-----
Total, Departmental administration (gross).....	221,618	210,853
Miscellaneous revenues.....	-137,810	-137,810
	=====	=====
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	83,808	73,043
	=====	=====
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General.....	31,430	32,430
	=====	=====
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development.....	305,460	349,000
Stockpile maintenance.....	362,493	350,000
Stockpile evaluation.....	180,834	178,500
Dismantlement/disposal.....	35,414	27,000
Production support.....	152,890	134,896
Field engineering, training and manuals.....	6,700	6,418
	-----	-----
Total, Directed stockpile work.....	1,043,791	1,045,814
	=====	=====

Department of Energy (in thousands)

	Budget Request	Conference

Campaigns		
Science campaigns		
Primary certification.....	55,530	52,500
Dynamic materials properties.....	97,810	87,400
Advanced radiography.....	60,510	85,803
Secondary certification and nuclear systems margins.....	47,270	44,000
Subtotal, Science campaigns.....	261,120	269,703
Engineering campaigns		
Enhanced surety.....	34,797	37,000
Weapons system engineering certification.....	24,043	26,665
Nuclear survivability.....	19,050	23,694
Enhanced surveillance.....	82,333	82,333
Advanced design and production technologies.....	75,533	75,533
Subtotal, Engineering campaigns.....	235,756	245,225
Inertial confinement fusion and high yield.....	222,943	261,443
Construction		
96-D-111 National ignition facility, LLNL.....	245,000	245,000
Subtotal, Inertial confinement fusion.....	467,943	506,443
Advanced simulation and computing.....	711,185	675,000
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA.....	5,400	8,400
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.....	5,000	22,000
00-D-105 Strategic computing complex, LANL, Los Alamos, NM.....	11,070	11,070
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.....	5,377	13,377
Subtotal, Construction.....	26,847	54,847
Subtotal, Advanced simulation and computing.....	738,032	729,847
Pit manufacturing and certification.....	128,545	219,000
Readiness campaigns		
Secondary readiness.....	23,169	47,169
High explosives manufacturing and weapons assembly/disassembly readiness.....	3,960	6,846
Non-nuclear readiness.....	12,204	18,187
Materials readiness.....	1,209	1,209

Department of Energy (in thousands)

	Budget Request	Conference
Tritium readiness.....	43,350	42,350
Construction		
98-D-125 Tritium extraction facility, SR.....	81,125	81,125
Subtotal, Tritium readiness.....	124,475	123,475
Subtotal, Readiness campaigns.....	165,017	196,886
Total, Campaigns.....	1,996,413	2,167,104
=====		
Readiness in technical base and facilities		
Operations of facilities.....	830,427	897,800
Program readiness.....	188,126	192,000
Special projects.....	64,493	60,385
Material recycle and recovery.....	101,311	90,310
Containers.....	8,199	8,199
Storage.....	10,643	10,643
Nuclear weapons incident response.....	89,125	88,923
Subtotal, Readiness in technical base and fac.....	1,292,324	1,348,260
Construction		
02-D-103 Project engineering and design, various locations.....	9,180	22,830
02-D-105 Engineering technology complex upgrade, LLNL.....	---	4,750
02-D-107 Electrical power systems safety communications and bus upgrades, NV.....	3,507	3,507
01-D-103 Project engineering and design (PE&D), various locations.....	45,379	16,379
01-D-107 Atlas relocation, Nevada test site.....	---	3,300
01-D-108 Microsystems and engineering sciences applications complex (MESA), SNL.....	2,000	67,000
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN.....	9,500	---
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX.....	7,700	7,700
01-D-800 Sensitive compartmented information facility, LLNL.....	12,993	12,993
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA.....	4,400	4,400
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA.....	2,800	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM.....	4,955	4,955
99-D-108 Renovate existing roadways, Nevada Test Site, NV.....	---	2,000

Department of Energy (in thousands)

	Budget Request	Conference
99-D-125 Replace boilers and controls, Kansas City plant, Kansas City, MO.....	300	300
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO....	22,200	22,200
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX....	3,300	3,300
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC.....	13,700	13,700
98-D-124 Stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, TN.....	6,850	6,850
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS.....	3,000	3,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations.....	2,900	2,900
Subtotal, Construction.....	154,664	204,864
Total, Readiness in technical base and facilities.	1,446,988	1,553,124
Facilities and infrastructure.....	---	200,000
Secure transportation asset		
Operations and equipment.....	77,571	79,071
Program direction.....	44,229	44,229
Total, Secure transportation asset.....	121,800	123,300
Safeguards and security.....	439,281	439,281
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM...	9,600	9,600
Total, Safeguards and security.....	448,881	448,881
Subtotal, Weapons activities.....	5,057,873	5,538,223
Program direction (transferred to Office of the Administrator).....	271,137	---
General reduction.....	---	-80,000
Less security charge for reimbursable work.....	-28,985	-28,985
TOTAL, WEAPONS ACTIVITIES.....	5,300,025	5,429,238

Department of Energy (in thousands)

	Budget Request	Conference

DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D.....	170,296	208,500
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL.....	35,806	35,806
Total, Nonproliferation and verification, R&D.....	206,102	244,306
	=====	=====
Arms control.....	101,500	75,741
	=====	=====
Nonproliferation programs with Russia		
International materials protection, control, and accounting.....	138,800	173,000
Russian transition initiative.....	---	42,000
HEU transparency implementation.....	13,950	13,950
International nuclear safety.....	13,800	10,000
Fissile materials disposition		
U.S. surplus materials disposition.....	130,089	135,089
Russian surplus materials disposition.....	57,000	61,000
Construction		
01-D-407 Highly enriched uranium (HEU) blend dow Savannah River, SC.....	24,000	29,340
99-D-141 Pit disassembly and conversion facility various locations.....	16,000	11,000
99-D-143 Mixed oxide fuel fabrication facility various locations.....	63,000	65,993
Subtotal, Construction.....	103,000	106,333
	-----	-----
Subtotal, Fissile materials disposition.....	290,089	302,422
	=====	=====
Total, Nonproliferation programs with Russia.....	456,639	541,372
	=====	=====
Subtotal, Defense nuclear nonproliferation.....	764,241	861,419
	=====	=====
Program direction (transferred to Office of the Administrator).....	51,459	---
Use of prior year balances.....	-42,000	-57,833
	=====	=====
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION.....	773,700	803,586
	=====	=====
NAVAL REACTORS		
Naval reactors development.....	652,245	652,245
Construction		
01-D-200 Major office replacement building, Schenectady, NY.....	9,000	9,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID.....	4,200	4,200
Subtotal, Construction.....	13,200	13,200
	-----	-----
Total, Naval reactors development.....	665,445	665,445
	=====	=====

Department of Energy (in thousands)

	Budget Request	Conference
Program direction.....	22,600	22,600
TOTAL, NAVAL REACTORS.....	688,045	688,045
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator.....	15,000	312,596
Transferred from other accounts.....	(322,596)	---
Total, Program level.....	337,596	312,596
TOTAL, OFFICE OF THE ADMINISTRATOR.....	337,596	312,596
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION...	6,776,770	7,233,465
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance.....	872,030	960,330
Construction		
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID.....	3,256	3,256
02-D-420 Plutonium packaging and stabilization, Savannah River.....	---	20,000
01-D-414 Preliminary project, engineering and design (PE&D), various locations.....	6,254	2,754
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC.....	5,040	5,040
99-D-404 Health physics instrumentation laboratory (INEL), ID.....	2,700	2,700
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA.....	1,910	1,910
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC.....	4,244	4,244
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC.....	15,790	---
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA.....	762	762
Subtotal, Construction.....	39,956	40,666
Total, Site/project completion.....	911,986	1,000,996
Post 2006 completion		
Operation and maintenance.....	1,680,979	2,105,479
Uranium enrichment D&D fund contribution.....	420,000	420,000
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC.....	6,754	6,754

Department of Energy (in thousands)

	Budget Request	Conference
Office of River Protection		
Operation and maintenance.....	272,151	328,151
Construction		
01-D-416 Hanford waste treatment plant, Richland, WA.....	500,000	665,000
97-D-402 Tank farm restoration and safe operations, Richland, WA.....	33,473	33,473
94-D-407 Initial tank retrieval systems, Richland, WA.....	6,844	6,844
Subtotal, Construction.....	540,317	705,317
Subtotal, Office of River Protection.....	812,468	1,033,468
Total, Post 2006 completion.....	2,920,201	3,565,701
Science and technology.....	196,000	255,768
Excess facilities.....	1,300	5,000
Safeguards and security.....	205,621	205,621
Program direction.....	355,761	355,761
Subtotal, Defense environmental management.....	4,590,869	5,388,847
Use of prior year balances.....	-36,770	-56,770
General reduction.....	---	-92,110
Less security charge for reimbursable work.....	-5,391	-5,391
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,548,708	5,234,576
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure.....	1,004,636	1,038,903
Safeguards and security.....	45,902	53,975
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS.....	1,050,538	1,092,878
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations.....	141,537	153,537
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT.....	5,740,783	6,480,991
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Security and emergency operations		
Nuclear safeguards and security.....	121,188	116,500
Security investigations.....	44,927	44,927
Corporate management information program.....	20,000	10,000
Program direction.....	83,135	79,000
Subtotal, Security and emergency operations...	269,250	250,427

Department of Energy (in thousands)

	Budget Request	Conference
Intelligence.....	40,844	40,844
Counterintelligence.....	46,389	46,000
Advanced accelerator applications.....	---	50,000
Independent oversight and performance assurance Program direction.....	14,904	14,904
Environment, safety and health (Defense).....	91,307	95,688
Program direction - EH.....	23,293	22,000
Subtotal, Environment, safety & health (Defense)	114,600	117,688
Worker and community transition.....	21,246	18,000
Program direction - WT.....	3,200	2,000
Subtotal, Worker and community transition.....	24,446	20,000
National Security programs administrative support...	25,000	22,000
Office of hearings and appeals.....	2,893	2,893
Subtotal, Other defense activities.....	538,326	564,756
Use of prior year balances.....	-10,000	-20,000
Less security charge for reimbursable work.....	-712	-712
TOTAL, OTHER DEFENSE ACTIVITIES.....	527,614	544,044
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal.....	310,000	280,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	13,355,167	14,538,500
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling.....	34,463	34,463
Program direction.....	4,891	4,891
Subtotal, Operation and maintenance.....	39,354	39,354
Offsetting collections.....	-34,463	-8,000
Offsetting collections (P.L. 106-377).....	---	-26,463
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	4,891	4,891
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses.....	3,339	3,339
Purchase power and wheeling.....	1,800	1,800
Program direction.....	18,668	18,668
Construction.....	6,031	6,031
Subtotal, Operation and maintenance.....	29,838	29,838
Offsetting collections.....	-1,800	-1,512
Offsetting collections (P.L. 106-377).....	---	-288
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	28,038	28,038

Department of Energy (in thousands)

	Budget Request	Conference
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation.....	16,064	18,764
System operation and maintenance.....	37,796	37,796
Purchase power and wheeling.....	186,124	186,124
Program direction.....	114,378	109,378
Utah mitigation and conservation.....	1,227	6,000
Subtotal, Operation and maintenance.....	355,589	358,062
Offsetting collections.....	-186,124	-152,624
Offsetting collections (P.L. 106-377).....	---	-33,500
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	169,465	171,938
	=====	=====
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	2,663	2,663
	=====	=====
TOTAL, POWER MARKETING ADMINISTRATIONS.....	205,057	207,530
	=====	=====
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission.....	181,155	184,155
FERC revenues.....	-181,155	-184,155
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION.....	---	---
	=====	=====
GRAND TOTAL, DEPARTMENT OF ENERGY.....	18,106,554	19,501,126
	=====	=====
ENERGY AND WATER DEVELOPMENT ACCOUNTS		
Energy programs:		
Energy supply.....	544,245	666,726
Non-defense environmental management.....	228,553	236,372
Uranium facilities maintenance and remediation.....	363,425	418,425
Science.....	3,159,890	3,233,100
Nuclear waste disposal.....	134,979	95,000
Departmental administration.....	4,221,618	210,853
Revenues.....	-137,810	-137,810
Total, Departmental administration.....	83,808	73,043
Office of the Inspector General.....	31,430	32,430
Total, Energy programs.....	4,546,330	4,755,096
Environmental restoration and waste management:		
Defense function.....	(5,740,783)	(6,480,991)
Non-defense function.....	(591,978)	(654,797)
Total, Environmental restoration and waste mgmt...	(6,332,761)	(7,135,788)

Department of Energy (in thousands)

	Budget Request	Conference
Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities.....	5,300,025	5,429,238
Defense nuclear nonproliferation.....	773,700	803,586
Naval reactors.....	688,045	688,045
Office of the Administrator.....	15,000	312,596
Subtotal, National Nuclear Security Admin.....	6,776,770	7,233,465
Defense environmental restoration and waste mgmt....	4,548,708	5,234,576
Defense facilities closure projects.....	1,050,538	1,092,878
Defense environmental management privatization.....	141,537	153,537
Subtotal, Defense environmental management.....	5,740,783	6,480,991
Other defense activities.....	527,614	544,044
Defense nuclear waste disposal.....	310,000	280,000
Total, Atomic energy defense activities.....	13,355,167	14,538,500
Power marketing administrations:		
Southeastern Power Administration.....	4,891	4,891
Southwestern Power Administration.....	28,038	28,038
Western Area Power Administration.....	169,465	171,938
Falcon and Amistad operating and maintenance fund...	2,663	2,663
Total, Power marketing administrations.....	205,057	207,530
Federal Energy Regulatory Commission:		
Salaries and expenses.....	181,155	184,155
Revenues.....	-181,155	-184,155
Total, Federal Energy Regulatory Commission.....	---	---
	=====	=====
Defense Nuclear Waste Disposal (rescission).....	---	---
Defense environmental privatization (rescission).....	---	---
	=====	=====
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS.....	18,106,554	19,501,126
	=====	=====

conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002. The conference amount provides an increase of \$10,000,000 over the budget request, with the standard formula for fee recovery being applied to this added increment of funding.

The conference agreement includes language prohibiting the implementation or enforcement of the revised 10 C.F.R. Part 35, as adopted by the Nuclear Regulatory Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except for those parts of the new rule which establish revised training and experience requirements for persons seeking licensing as authorized users, until after the Commission has provided a report to the House and Senate Committees on Appropriations explaining why the regulatory burden could not be reduced further in the new rule without adversely affecting public health and safety. The conferees direct the Commission to submit this report not later than January 31, 2002. The language included in the conference agreement is only an interim measure until a more permanent solution can be reached, either by the authorization committees or through a revised rulemaking.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$6,180,000 as proposed by the House, to be offset by revenues of \$5,933,000, for a net appropriation of \$247,000. This reflects the statutory language adopted by the conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

The conference agreement provides \$3,100,000 as proposed by the House instead of \$3,500,000 as proposed by the Senate.

TITLE V

GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 502. The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 503. The conference agreement modifies language proposed by the Senate to require the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes and prohibit Federal and State issuance of per-

mits or leases for new drilling from October 1, 2001 through September 30, 2003.

Provisions not adopted.—The conference agreement deletes Section 503 of the House bill providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. This provision has been moved to Title II of the bill as proposed by the Senate.

The conference agreement deletes Section 505 of the House bill pertaining to the Buy American Act.

The conference agreement deletes Section 506 of the House bill prohibiting the use of funds to drill for gas and oil in the Mosquito Creek Reservoir in Ohio.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	\$24,512,565
Budget estimates of new (obligational) authority, fiscal year 2002	23,008,002
House bill, fiscal year 2002	24,195,000
Senate bill, fiscal year 2002	25,448,837
Conference agreement, fiscal year 2002	25,086,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+573,435
Budget estimates of new (obligational) authority, fiscal year 2002	+2,077,998
House bill, fiscal year 2002	+891,000
Senate bill, fiscal year 2002	– 362,837

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RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
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